

A

HISTORY

OF

NEW SOUTH WALES,

FROM ITS SETTLEMENT

TO

THE CLOSE OF THE YEAR 1844.

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As in a cradled Hercules, we trace
The lines of Empire in thine infant face.
CAMPBELL.

IN TWO VOLUMES.

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PREFACE.

THE nature and object of the Work now issued to the world are sufficiently explained in the opening Chapter. The toils of an Author in Australia are not of that pleasing character, which suggested to the poet the expression "Labor ipse voluptas." While his fellow-citizens, the Great Republic of Letters at home, trim their lamps at leisure, and relax their bows, when Apollo ceases to be propitious, the Author in this hard-working country is compelled to pursue his task under the pressure of daily avocations; his lamp often expires while his labours are incomplete, and his bow is broken from too great severity of tension. I have not been exempted from the general sentence. My professional calls are neither few, nor light; and such is the best apology I have to offer for imperfections, which the critical reader will not fail to detect. Let this candid confession bespeak his indulgence.

It is my pleasing duty to acknowledge the assistance and sympathy, which I have received in the execution of my undertaking. To the Hon. Edward Deas Thomson, Colonial Secretary, and the Gentlemen connected with Public Departments, I am under the greatest obligations for the readiness with which they have supplied me with documentary information, so necessary to the elucidation of the important questions in which the Colonists are at present interested, and which are discussed in this Work.

With regard to "the Climatology and Diseases of Australia," I am greatly indebted to Charles Nicholson, Esq., M.D. M.L.C.; a gentleman to whom the Australian Public are under many and lasting obligations.

I have also to acknowledge the assistance, I have received from George Arden, Esq., and Mr. Slatterie, as well as from J. B. Laughton, Esq. B.A. all of whom aided me greatly in the preparation of the historical parts of the Work.

LONDON,
DECEMBER, 1845.

THE HISTORY

OF

NEW SOUTH WALES.

CHAPTER I.

DISCOVERY AND EARLY HISTORY.

SECTION I.

GOVERNMENT OF CAPTAIN PHILLIP.

WHILE the commercial nations of Europe were pushing discoveries, and making territorial acquisitions in the Eastern and Western hemispheres—the Old and the New World; while England had been colonizing the lands of America, and conquering the kingdoms of India, the wide tracts of the South Pacific and South Indian Oceans embosomed in unknown solitude a number of vast and populous islands, which, since their discovery,

have been named and classed as a fifth grand division of the globe under the title of Polynesia.

The most prominent in geographical importance of the Polynesian islands are Australia, New Zealand and New Guinea; but while the latter with its group of sister islands, forming a connecting link between Asia and Australia, has been hardly explored, the former with their dependencies have become British colonies, second only in wealth and value to the Canadas, and the West Indian Islands.

The chief, as it is the oldest colony planted by Great Britain on the continental island of Australia, is New South Wales; and it is the history and general description of this settlement that we now propose to compile for the information of the English reader, and for the perusal of our native youth.

After a course of fifty years, as a penal colony, New South Wales is now ranked in the list of the free dependencies of the Crown, and besides the highly curious and interesting field of research and narrative which its early history affords, it has now arrived at a point in its career which indicates the present as the fittest time for the composition of a work embracing its past history, its actual position, and its future prospects. The institution we mean is that of a local legislature, combining the principles of elective representation with the representation of the Crown interests,

and the establishment of this fixes a date up to which the previous progress of the colony forms of itself an era, or period of history: it is through the details of that period, that we now purpose to carry the reader.

The plan upon which the following work is composed, is of a descriptive as well as statistical nature, combining the mode and style pursued by Lang and Martin. It has always appeared to us that the former is too generally descriptive; the latter too sterile in his materials for general interest. Lang is exceedingly meagre in his statistical details, and weak in his financial views; Martin is replete with figures, but such as are often incorrect and sometimes contradictory. In the following papers, the early history which is connected, we consider, with the first distinctive period that we have described, is made to contain a narrative of the earliest discoveries of Australia down to the naming and taking possession of New South Wales by Cook, the Navigator; the formation of a penal settlement at Port Jackson, or Sydney under Captain Phillip, the first Governor of the territory; and a brief but complete and faithful memoir of the several administrations of his successors in the government of the colony. We have given, however, in a separate chapter, a larger proportionate space to the administrations of Sir Richard Bourke and Sir George Gipps, both from the greater development of the country during their

term of vice-regal sway, and because, as yet, the political state of New South Wales under their rule has been nowhere succinctly described—the history written by Dr. Lang only proceeding so far as the first year of Sir Richard Bourke's government.

The continental island of Australia was visited, it is now generally agreed, by De Quiros, a Spanish navigator, in 1609, who, evidently desirous to emulate in this new tract of country the adventures and successes of Columbus and his followers in America, proposed to the reigning monarch of Spain to fit out an expedition for its conquest and possession. For once, however, the swelling ideas of the Hispanian Princes on the subject of universal monarchy were limited, if not suppressed; the Court of Madrid was satisfied with the acquisition of all the Americas, and allowed the Australias to remain an open field for the enterprise of other Kings.

During the next forty years several Dutch navigators at various dates fell in with the land on the northern and western coasts, and through their combined observations was obtained a tolerably faithful knowledge of the outline of the country from its south-western extremity (at which the colony of Swan River is now situated) to the north-western promontory or cape which borders on the Gulf of Carpentaria, and is the site of Port Essington, and the present settlement of Victoria.

Nor did the discoveries of the Dutch stop here; for another navigator, sent thither for the purpose of surveying by the Dutch East India Company, discovered and named Van Diemen's Land, which up to that time had been supposed to be a cape or extremity of Australia. The same commander, Tasman, also sailed round the northern extremity of the island of New Zealand, which he named Cape Maria Van Diemen—the two discoveries thus christened, being called by him after the Governor of the Dutch settlement of Batavia and his daughter, under whose auspices he had undertaken the exploratory voyage.

The Gulf of Carpentaria lying just to the eastward of the northern cape, which we have described as one of the *termini* of the early Dutch surveys, was entered, explored and named after himself by a commander of the name of Carpenter. The name, therefore, which one half the island of Australia bears—that of New Holland, or as it is written in the original Dutch, "Niew Hollandt" is justly and properly retained by modern hydrographers, whilst the remaining half is called generally New South Wales, from the eastern coast having been so first designated by Captain Cook, to whose enterprise and that of other English navigators, the eastern and southern coasts of Australia more particularly owe their discovery.

It is to be observed that these are the two main divisions of Australia. Portions of territory have,

from time to time, been reserved out of either, and set apart as Colonies of the Crown, or as dependencies of the colonies, under distinct names. Of these, South Australia comprises a part of the territory of New South Wales, but is a separate colony; in like manner the dependency of Port Phillip has distinct boundaries reserved to it out of the same division, while Western Australia has allotted to it a considerable part of the division known as New Holland; and Port Essington again, although a dependency of New South Wales, has its territory reserved out of New Holland.

We have thought it as well to be somewhat particular in describing the above divisions and subdivisions, because, up to this day, great confusion respecting the nomenclature of Australia and its colonies exists in Britain, even amongst the best informed classes.

We have brought the progress of discovery down to the year 1777, on the 20th of January in which year, Captain Cook planted the British standard on the eastern coast of Australia, in the vicinity of a harbour named by Dr. Solander (who was one of the *savans* who accompanied that expedition) *Botany Bay*, from the number, variety, and novelty, of the natural specimens he met with in the adjacent country. The country bounded by the line of coast north and south of Botany Bay—at frequent intervals of which Captain Cook landed, and took formal possession in the name of his

Britannic Majesty—was called generally New South Wales.

The extreme brightness of the sky, the purity and elasticity of the air, and the botanical wonders in the neighbourhood of Botany Bay at that season, but more than all, the seductive charm of discovering and taking possession of a vast, new, beautiful, and interesting country, led the narrators of that expedition into describing the "Great New South Land" in such terms, as induced the British Government, when, in 1785, its ministers were looking about for a fresh and eligible geographical situation for their projected penal settlements, to give the preference to New South Wales.

It was just at that period that the recent separation of the American colonies from the mother country, deprived Great Britain of a place to which to send the sentenced criminals, who, under the transportation system long and early in vogue, were regularly despatched to the plantations and settlements in the West. Australia presented a favourable aspect, and accordingly to Botany Bay it was resolved to send the "first fleet" of convicts.

In March, 1787, a fleet of eleven vessels, having on board five hundred and sixty-five males, and one hundred and ninety-two female prisoners, with a proportionate military guard, the whole under the command of Captain Arthur Phillip, R.N.,

as Governor of the convict colony of New South Wales, sailed from Portsmouth, and after a voyage of eight months, protracted by the frequent calls made on the outward route at Teneriffe, the Cape, and other points on their track, for supplies of provisions and necessaries, arrived at its destination on the wild, solitary, and scarcely inhabited shores of Botany Bay. The site selected as the settlement or home of the young colony, on the descriptions of Captain Cook and his officers, was found to be, on farther examination, wholly unsuitable; the heat was great, the land beyond the circle of half a mile from the sea, was encumbered with sands, swamps, and heavy forests, and the harbour itself, when the weather was rough, and the easterly wind prevailing, was unsafe anchorage.

In this dilemma, Captain Phillip, the Governor, resolved to go northward with an expedition, or pioneering corps in the ships' boats, for the purpose of examining another harbour, also discovered and described by Captain Cook, and called "Broken Bay." In his passage upwards along the coast, curiosity led him to enter an inlet laid down on the chart of Cook's expedition as a "Boat harbour," and which it was said was called after the seaman who descried it from the mast-head, "Port Jackson."

To their surprise and delight, the excursive band found themselves in a harbour, which, beyond

the narrow passage of the lofty heads, kept on widening into a broad sheet of water, indented in every direction with still and sheltered coves, and naturally protected with rocks and woods, which combined a certain air of picturesque romance with indications of safety and fertility. To this port the fleet was immediately removed from Botany Bay, and in the basin of one of its inmost recesses, the ships having come to an anchor, the inmates were landed, and the commencement of the settlement made on the 26th of January, 1788.



The Tank Stream.

Where the "Tank Stream," of which we annex a sketch, now exhibits a portion only of a thriving

city—the metropolis of a country with a population of one hundred and fifty thousand inhabitants—there then stood a thick silent wood, through which the stream gurgled and trickled, breaking by its voice alone the solitude that pervaded that singular spot, unless, at intervals, the shrill "cooee" of the savage, or the crackling bound of the hunted kangaroo, trespassed on its primitive haunts. The evening on which the axe first sounded along that streamlet and through that wood, on which the tents were landed for the accommodation of the residents of the new settlement, closed over the heads of one thousand and thirty individuals, while the same sun set fifty years afterwards upon a town thronged with between thirty and forty thousand inhabitants, whose rejoicings on the day of their "jubilee" had been attended with every demonstration of a luxuriously civilized community, whose city was beautified with costly buildings, private and public, whose means of defence were powerful and extensive, and whose port was crowded with a thousand ships, and the evidence of a widely ramified commerce. Who that has ever stood on the boundaries of that wonderful place, has not felt himself carried away by the brilliancy of the contrast we have drawn, and cannot but forgive the digression to which, at this point in our history, we have been irresistibly led.

It is not our object to follow with minute atten-

tion the changes of fortune to which the distance of the colony from the rest of the civilized world, and its great dependence upon such parts for the literal maintenance of its population, subjected the settlement of Port Jackson; but, in proceeding, to give an account of the administration of each of the Governors in succession; noting, of course, all the particular events which had any influence on the prospects of the country then, or its state at this time.

The trials to which Governor Phillip was exposed in the management and preservation of his charge, were almost incredible; of these we will endeavour to give a familiar but faithful picture. So soon as his little state was in some degree organized, he endeavoured to bring the soil into cultivation, but from its sterility in the neighbourhood of Sydney, being nothing but sand, little progress was made; the convicts soon began to be troublesome, insubordination and desertion being of early occurrence; then the inhabitants got very soon embroiled with the natives who frequented the port for fishing. As soon as it was reckoned that the convicts had arrived in New South Wales, a vessel was despatched from Britain to convey a further store of provisions and other necessaries. This ship, the Guardian, Captain Bean, was wrecked on her way out, at the Cape. In the meantime an accession to the number of colonists had taken place by the arrival of another ship at Sydney with two

hundred and twenty-two female convicts. As a measure of relief, Captain Phillip sent away a detachment from the crowded settlement to take possession of Norfolk Island, that dependency which is distant about seven days' sail from Port Jackson, being supposed capable of supporting the whole number so consigned to its soil, and even to afford relief to the mother colony, by the capabilities of its climate and soil for agricultural purposes.

The same fatality, however, attended their movements in the new settlement as in the old. The Sirius, which conveyed the settlers of Norfolk Island, was wrecked on its rugged coast, and the Lieutenant-Governor (Hunter) found himself removed still farther from all assistance with five hundred and six persons, for whose sustenance it seemed almost impossible to provide from the scanty supply of food saved out of the wreck, and for whose use no diligence or ingenuity could raise sufficient grain for a period of several months. The state of the friends, whom they had left at Port Jackson, was still more aggravated by another arrival of convicts shortly after their departure, although the expected increase of distress was somewhat abated by the loss through death of a number of the prisoners on their passage out. In this manner, penury and privation, amounting almost to starvation, assailed the colony for three years. There may be some of our readers, who,

like ourselves, have made a long voyage, for a few weeks of which time "all hands were on short allowance;" to them the fearfully protracted time of thirty-six months, or three years, will appear in all its appalling colours. There are few who could realize, without due reflection, the immense amount of natural obstacles overcome by the first settlers in New South Wales. There are probably none in the wide city of Sydney, who, as they pass unconcernedly through its well furnished streets, enter its markets teeming with every produce the native air and land can produce, besides innumerable exotic luxuries, think upon the hardships, known and unknown, endured by their predecessors in founding for them a land of abundance, contentment and beauty.

The miseries that weighed down the spirits of the early settlers, and that added bitterness to the chains of the felon, were at length relieved at the two settlements; a third convoy with stores having arrived from the Cape in June, 1790. In the following year, what is generally termed in the colony the "second fleet," consisting of ten vessels with sixteen hundred and ninety-five male, and sixty-eight female convicts, carrying proportionate quantities of stores, had the effect of placing the inhabitants once more at ease, and in the midst of abundance. Meanwhile the historian must not forget to trace the efforts made in both settlements to secure the means, and to advance in the social

and substantial elements of civilization. The deplorable situation in which we left the colonists at Norfolk Island was temporarily relieved by a circumstance which is well worth relating again, although preserved as an anecdote by previous writers on the history of these countries. One night, shortly after the arrival of the Sirius, it was observed that a nighbouring hill (since called Mount Pitt) was frequented by innumerable birds that winged their way home at the close of day to their nests and their young, built and reared in the holes constructed by the inmates of this singular warren. By going stealthily on the birds at night, and attracting them as soon as disturbed to the light of a lantern purposely exposed, they were easily captured, being knocked down by hundreds through the activity of the half-starving capturing parties. On the flesh and eggs of this bird,* a species of gull, the people contrived to support life, until, in time, grain was reared for the supply of the station. In December, 1791, at the close of the second year's settlement in the island, about a thousand bushels of wheat had been reaped, besides five hundred bushels of maize.

At Port Jackson, Governor Phillip did also his best to encourage agricultural pursuits. In 1791, seven hundred acres of land were under cultivation, but, independently of the soil being of an inferior quality, the drought which prevailed at that very

* Commonly called "the Mutton-bird."

season, of all others the most calamitous, together with the attenuated strength of the operative portion of the community from long suffering and want, nearly neutralized all the labour and expense thrown away upon it.

It was about the same year that Governor Phillip, with the concurrence of the Home Government, began to introduce those elements of freedom into the little colony, which, like the grain of mustard-seed, here branched out into a noble and emancipated nation! In March, 1791, four free settlers were rewarded with grants of land situate on the narrow and prolonged arm of the sea, now known as the "Paramatta river." As the colony advanced, similar grants were made to other free individuals, and occasionally a convict was emancipated, and made at once independent and respectable through the same judicious means—a plan, which, on the recommendation of Governor Phillip, was used as an inducement to further free immigration, and which eventually attracted, there can be no doubt, that class of people from the mother country, which has tended to render the colony at length free and independent. We should not omit to mention the assistance afforded to the earlier settlers, in gifts of implements, provisions, stock, clothing, and other necessaries; and upon the departure of Captain King, upwards of a hundred settlers, forming the germ of a respectable, industrious and thriving class, were occupying, under

this system, their own estates, farms, or grants of land.

In the intervals that elapsed between the events we have narrated, the "progress of discovery" was not neglected. The three contiguous ports of Port Jackson, Botany Bay, and Broken Bay were well surveyed; and it was in examining the details, as it were, of the last harbour, that the discovery of the river Hawkesbury was made, which, for many years, indeed until the discovery of the Hunter River more to the northward, was the principal agricultural district of the colony, and the granary of New South Wales. The Hawkesbury was tracked by the Governor himself for more than a hundred miles in its upward course.

We now draw near to a close the administration of the first Governor of New South Wales. Shortly after the arrival of the "second fleet," his Excellency, whose health was doubtless impaired by long anxiety and great difficulties, embarked for England.

If we pause for a few minutes, and try to estimate the value of Captain Phillip's government, we shall see it on the one hand enriched by the results to the country which owes, we may say, much of its present importance to his vigorous conduct united with patient forbearance; on the other hand, we find that value enhanced by his temperate, judicious, liberal and patient behaviour through all the trying scenes of his residence in this

land of exile. When we look upon him successfully combating with starvation, disease, death, drought, and insurrection, amidst ruffian companions, and on a rugged inhospitable soil, we are obliged to admit, that this brave good man deserves, in more senses than one, the endearing, the ennobling epithet of "the father," as well as the founder of our colony.

SECTION II.

GOVERNMENT OF CAPTAIN HUNTER.

Captain Hunter, whose name has been incidentally mentioned as having been, while in the command of the Sirius, one of those who shared the privations of the colonists of Norfolk Island, on the coast of which his vessel was shipwrecked, was appointed to succeed Captain Phillip as Governor of New South Wales. It will be borne in mind by the reader, that Captain Phillip was the first captain of the Sirius, when, with that vessel and her convoy, he arrived at Australia as leader of the first colonizing expedition. Upon his landing, and assuming the more immediate duties of Governor, Captain Hunter continued in command of the Sirius as first captain, and subsequently to the wreck of that vessel at Norfolk Island, he returned to England by way of Batavia in a Dutch vessel, which was hired by Captain

Phillip to convey his brother captain, his officers and crew to England.

After the departure of Governor Phillip, the government of the colony was administered, first by Captain Grose, and then by Captain Paterson, of the New South Wales corps, during a period of nearly three years, namely from December 1792 to August 1795.

The New South Wales corps, of which mention has thus been casually made, was a regiment formed at home for the purpose of being despatched to the colony in place of the marines, who had served as a special guard over the convicts during the earliest years of its progress. This regiment was intended, indeed, to take that place of trust with regard to the felon population of the country, that the Royal Marines do in respect to the ships' companies of the navy. It was to their loyalty and bravery, that the Crown entrusted its honour and power amongst a population that might be induced, or inflamed to mutiny. How far that corps fulfilled such honourable service will be learned as the reader proceeds with the narrative.

The corps to which we have referred was placed in very peculiar and trying circumstances; their period of service in that distant land was intended to be perpetual. With all the high feelings and ardent dispositions of British soldiers, the officers found themselves situate in quarters, where, neither the excitement of adventure and glory could

stimulate and reward them, nor the attractions of polished society could relieve their monotony and privations. Feeling themselves settled for life, they naturally cherished the wish of accumulating an independence out of the resources of the country on which to maintain their families in the land, or by means of which they could purchase their retirement, and return to England. Accompanied with this view of their circumstances, was the wish to form amongst themselves, and to cultivate amongst their own class of free civilians, the frame and amenities of civilized social life. The first object was to be gained by the two channels of agriculture and commerce, and the pursuit of these led many of the officers of that corps into an illegitimate connection with the chances and tricks of mercantile dealings. The second object was gained by their indisputable position with regard to the society of the place, and through the familiar intercourse kept up between Government House and the Officers' quarters, where all that was "presentable" of male or female society, in New South Wales, occasionally congregated.

Unfortunately for that strictly gentlemanly spirit which should mark the military officer, in private as in public life, the trade of the colony held out allurements of so enticing a character for the accumulation of wealth, that many members of the local regiment actually turned hucksters and store-keepers. The chief article of trade at that

time happened most unfortunately to be "rum;" and thus the military dealers were rendered the earliest agents on that work of demoralization, which has been going on in the colony ever since from the passion of the inhabitants for intoxicating liquors. Many of the officers obtained licenses for retailing spirits, which were so managed, that the store or inn in which the business was carried on, was left to the superintendence of some female convict, between whom and the licensed officer an immoral *liaison* existed. Spirits were often exchanged for the agricultural produce of the settler, which produce was disposed of to the Commissariat of the colony—Treasury Bills being received in return. Had the officers of this regiment confined themselves to pursuits similar to those of the landed gentry of England, much of the subsequent mischief arising from their conduct would have been avoided, and their own characters preserved from blemish. I say much only, because it is a question whether the giving a colonial military protective force any permanent and agrarian interest in the country was not radically bad. The result, indeed, shows that it was. The New South Wales corps was in time removed, being engrafted into the line, and a regular succession of regiments has since been continued, as at other foreign stations and settlements. The general consequence of the permitted huckstering which has been described, was laxity of principles, licen-

tiousness of manners, and selfishness of mind. If we consider, then, that these acquired habits and feelings were carried into social life—which, as a body, the officers of the corps materially influenced, if they did not wholly control—the consequences, even at this stage of our history, it will be seen could not have turned out otherwise than disastrous.

One circumstance which tended to increase the influence of the military was, that the interregnums which occurred during their stay in New South Wales were always filled by the chief officer, who was also the councillor and assistant of the government whenever in the hands of the organ or representative of the Crown. This will account, in a great measure, for the power by which Governor Hunter's administration was embarrassed, and to which that of Governor Bligh succumbed. In fact, when Captain Hunter, the second Governor of the colony took upon him its government, his enjoyment of society almost depended upon the terms he was on with the military aristocracy, while the friendly assistance of its principal officers, who had for more than two years previous to his arrival, governed the settlement, was essential to his own success. The New South Wales corps had, literally, a greater influence than the Crown, for its weight had been continuous and increasing, while that of the former was broken, and dependent upon the disposition of the one party who

represented the monarch to associate or quarrel with the latter.

The new sailor Governor was as blunt and determined to maintain his superiority as any captain of the naval service, who monopolizes the dignity and control of a vessel afloat. Jealousy and misunderstanding between the two influences of the military and civil powers ensued almost immediately on his arrival, and so increased during the next five years, that the Governor was at length induced to embark for England, again leaving the administration to the commander of the colonial corps, in order to obtain leave and means for completely reorganizing the machine of government. He never returned, probably owing to the influence exercised by his military opponents, even at the distance which intervened between Government House, Sydney, and Downing Street, London.

Although Governor Hunter's administration wanted that decisive character and result, which independence of the local party spirit described might have gained for it, yet there were improvements going on that are worthy of notice. Free immigration was slowly extending, and the agricultural wealth of the colony increased considerably under the application and spirit of the originally free settlers, together with those who had been from time to time emancipated. To encourage their operations, the government provided the

settlers with labourers, and servants of various descriptions out of the bond or convict population; a practice which originated what has since been termed the "Assignment System." That it was a highly judicious custom, few words will suffice to show. The difficulty of obtaining labour, which has at all periods of the history of our colony formed a standing complaint with the colonists, will readily present itself to the reflecting mind as having been, in the first struggling circumstances of the country, the greatest drawback to the success of the farmer and proprietor. Very few of the lower orders could be induced to leave their British homes for the chance of what fortune offered them in a land associated with poverty, indifferent fertility, and the fancied horrors of penal society and government. The parties who mostly gave themselves to the venture, were men of respectable education and standing, who relied upon the joint exertions of themselves and their families to turn their little means to advantage. Others, however, who were possessed of some capital, wherewith to stock their grants, would have been wholly disabled from tillage or rearing stock, or even from keeping "a house together," for the want of servants. To them, therefore, and to all, the Assignment System became of the highest utility; every person, whether in town or country, who could give employment to one or more domestics or servants, had male or female

convicts, according to the circumstances of the case, assigned for his use, and placed under his control. The same plan was also of real service to the government, since it relieved the Treasury of an expenditure necessary to the maintenance of the convicts while retained under government, an expenditure which was then usually reckoned at from £12 to £15 a head, and which ultimately amounted to such an immense annual outlay, as to form a very serious item on the budget of the British Treasury Board.

During the administration of Captain Hunter, the "progress of discovery" was neither neglected, nor unattended with beneficial results. Port Macquarie, Newcastle, and the Hunter River were discovered and settled, and have since proved of great agricultural and commercial importance. It may be stated, in passing, that Port Macquarie is a harbour about seventy miles to the northward of Sydney. Newcastle was so called, on account of the abundance of coal discovered in the neighbourhood. The River Hunter empties itself into the sea at Newcastle; and on the banks of this river, the town of Maitland was subsequently founded, and the communication between it and Sydney is at present maintained by several steamers which ply constantly, and are always well supported by the great traffic of the port, town, and fertile interior.

Captain Hunter on his return to England, was

"posted" to the command of the Venerable, seventy-four; he rose to the rank of Rear-admiral, and spent the closing years of his life in the neighbourhood of Leith, in Scotland.

SECTION III.

GOVERNMENT OF CAPTAIN KING.

The third Governor of the colony was Captain King, who at the time that Captain Hunter was Governor in New South Wales, was left in charge of Norfolk Island, the occupation of which has been fully described, as Lieutenant-Governor. On the departure of his immediate superior, he succeeded to the higher post, according to general directions to that effect transmitted from home on the establishment of the colony and its dependency. On the recommendation of Captain King, the dependency of Norfolk Island was abandoned, at least, as a penal settlement, and the whole expenditure, and duties of the government were concentrated in New South Wales, with Sydney as its capital town. There can be no doubt that this was an ill-judged step. After the expense which had been incurred in the formation of the settlement, nothing short of insalubrity of climate, sterility of soil, or insecurity of position, ought to have decided the government in throwing away the results of so many years toil, and of so large

an amount of money. Even if such objections should have operated against the propriety of longer retaining the dependency, such of the free settlers, at least, as were willing to remain, might have been permitted to continue on the island under the government of a magisterial executive. Yet, with all the natural capabilities of climate, soil, and situation acting strongly in its favour, instead of against it, not only was the convict establishment abolished, but every exertion made to get the free population out of the place at the same time.

Many of these, it is to be remembered, were settled with their families on beautiful and productive farms at Norfolk Island, and had had children born to them on the soil they were called upon to quit. They were removed, and had grants of land given to them either in New South Wales, or Van Diemen's Land. A considerable band of them settled on the northern division of the latter colony, where the district to which they removed, is to this day called "Norfolk Plains;" and another township farther to the southward, and situate about twenty miles from the town of Hobart, was called "New Norfolk," in commemoration of that event. The island, however, from which they were taken, was not many years vacant, before the British government saw its error, and gave directions to Governor Bligh to re-occupy it for the purposes of a penal settlement, whither all convicts re-convicted in New South Wales of

transportable offences were to be sent, and subjected to the severest discipline.

It was in the government of Captain King, that the first attempt to settle on the shores of Port Phillip was made by directions from the authorities at home. So important was that locality considered, that in 1804 an expedition was fitted out from Britain to take possession of the country on the southern coast of Australia, to form a convict settlement, and to organize a local government under a Lieutenant-Governor and a suitable corps of officers. Colonel Collins, who was despatched to perform the duty, most unfortunately debarked his companions and subjects in the most unpromising locality that could have been chosen in the whole range of that extensive inlet. Irritated at the escape of some of the prisoners, and by the apparent difficulty of supporting the population in such a tract of country, Colonel Collins abandoned the project, without even attempting a survey of the harbour and other parts of the neighbourhood, and proceeded with his whole charge to Van Diemen's Land, where in due time the settlement of Hobart Town in the south, and of Launceston in the north, were, by them, established.

It was very shortly after the occupation of the country around the present site of Launceston by the expedition of Colonel Collins, that the settlers of Norfolk Island removed to Van Diemen's

Land, and assisted in the early colonization of the sister island.



View of the first settlement in Van Diemen's Land

It is somewhat curious that the abandonment of Norfolk Island and Port Phillip, in the one case unadvisedly hurried, in the other, imprudently deliberate, should have contributed to the settlement of Van Diemen's Land as an original dependency of New South Wales, but subsequently as an independent Crown colony.

The first, and in fact, the only mutiny that has occurred in the colony amongst the prisoner population, took place while it was under the government of Captain King. The mutiny broke out at the government agricultural establishment

at Castle Hill, when some hundreds of the men threw off the control of their overseers, and arming themselves with such weapons as came to hand, set off on their way to Sydney, hoping to awe the authorities, and incite the remainder of the population to join the rebellion. They were, however, promptly met and put down by the military under Major Johnstone of the New South Wales corps. and some of the ringleaders having been condemned to the punishment of death, order and subjection were restored.

Whilst these events were passing, the opposing government and military influences were daily widening the breach occasioned in the administration of the former Governor, between the members of the New South Wales corps, and the civil representative and officers of the Crown. To counteract the weight which the military had acquired among the social branches of the colony, the Governor resorted to the dangerous expedient of emancipating as many of the convicts as he conveniently could, and encouraging them to take a position amongst the colonists which might have been very well as a reward for merit, or an encouragement to reform, but which proved of the most mischievous tendency when used merely as an instrument of party spirit.

Many of the emancipists were allowed licenses to sell spirits, and in the pursuit of a business which brought them perpetually into contact with

the most depraved portion of the colonists, they were led to encourage the evil, fierce, and reckless dispositions of the lower classes, convict and free, and to participate in the fruits of their frequent lawless practices. By degrees bushranging became prevalent, and prison discipline so relaxed that it was nearly being altogether subverted; profligacy in private life, and the greatest weakness in administering the authority of the police and executive department marked the last years of Captain King's government, so that at his departure in 1806, after six years of residence, no one satisfactory circumstance in the progressive history of the colony remains to be noted.

SECTION IV.

GOVERNMENT OF CAPTAIN BLIGH.

Captain King was succeeded by Captain Bligh, whose name as a naval officer has been well known in connection with the mutiny of the Bounty, out of which vessel he was turned adrift by his crew in the South Pacific Ocean, when prosecuting a voyage from the South Sea to the West Indian Islands. The return of Captain Bligh to England, having navigated an open boat through Torres Straits to the Dutch settlement of Timor, with safety to himself and his crew, as well as the subsequent adventures which

befel the mutineers of the Bounty, must be well known to our readers.

No sooner had Captain Bligh arrived at the seat of his government, than he showed a determination to suppress the growing and injurious influence of the New South Wales corps, "by depriving the officers of their licenses to sell spirits; and, indeed, abolishing, as far as practicable, the monopolizing value of rum as an article of exchange. The course taken by Governor Bligh, although it met with the highest approval from his Majesty's government, was looked upon with marked hostility by the military officers of the colony, and as they had nearly the whole of the society on their side, they quickly succeeded in exciting disaffection, and even disloyalty towards the obnoxious Governor. Not only, however, did Captain Bligh place the greatest restriction on the importation and sale of spirits in the colony, but, setting out on a tour of inspection to the settled country on the Hawkesbury, when the farmers, just at that period, were suffering from the destructive effects of an inundation of the river, his Excellency visited all their stations in person, inquiring into and learning their wants, and giving directions for their supply from the government stores, in exchange for, or in advance of, their agricultural produce. Such a system, by interfering with the lucrative trade in the necessaries of life hitherto carried on by the

colonial officers, civil as well as military, amongst the settlers, mechanics and labourers, incensed their jealousy and dislike, until they broke out into open rebellion, and deposed the Governor from his high situation upon their own responsibility.

A relation of the occurrences which led to the New South Wales Revolution, is very minutely and faithfully set forth in Dr. Lang's History of this country; but is far too prolix, and of too unimportant a character to be repeated at length here. The story, briefly told, is, that in March, 1807, Governor Bligh, on examining the manifest of a ship just come into port, observed that two stills which formed part of the cargo were consigned, one to Mr. McArthur, a resident merchant and civilian of the colony, the other to Captain Abbott of the Colonial corps. The stills were commanded to be given up to the Customs' officers by virtue of a government order abolishing the practice of colonial distillation, and prohibiting the use, or keeping of stills. Owing to some official misunderstanding, the stills were seized by the naval officers in a way which severely inflamed Mr. McArthur's mind against the government. The rupture, so commenced, was aggravated by the seizure of a vessel belonging to Mr. McArthur, within a few months following, on the ground that a convict had been conveyed away from the colony by it. On the

proof of this matter, the bond in such cases required from the owners having been refused, the vessel was seized to indemnify the bond. The officers and men were, in consequence, left in arrears as to their wages, and even maintenance was refused them. They applied to the Judge Advocate's office for protection, as, by coming on shore, contrary to the regulations of the port, they had rendered themselves liable to imprisonment.

At the command of the Governor, the Judge Advocate, who was the chief administrative magistrate at the time, wrote to Mr. McArthur, requiring his attendance at the Judge's office, to account for having allowed the crew of his vessel to land in the colony, or so refusing to maintain them as to compel them to have recourse to the authorities on shore. To this Mr. McArthur answered, that it was owing to the illegal detention of his vessel that he had refused any longer to maintain the crew, for whose further support he considered the government was alone responsible. As this letter evinced no desire on the part of the writer to comply with the requisition of the court, the Judge Advocate, construing such conduct into a contempt of his authority, immediately issued a warrant to compel Mr. McArthur's attendance. The constable in charge of this warrant was openly set at defiance, and an insulting answer returned in the hand-writing of Mr. McArthur himself. The

chief constable was then directed forcibly to apprehend the malcontent, who was captured shortly after, and, being brought before a bench of magistrates, was committed to take his trial for misdemeanour at the Session of the Supreme Criminal Court.

Mr. McArthur appeared to stand his trial on the 25th of January, 1808, before a court composed of the Judge Advocate, and six officers of the New South Wales corps. To the appearance on the bench of the Judge Advocate, Mr. McArthur vehemently objected, as one who was prejudiced against himself and his case. The President, as he was, of the court, although he showed plainly that the court could not be constituted without him, was obliged by the military magistrates, or jurors to leave the bench, whilst Mr. McArthur delivered himself of a written address, protesting against the mode, and kind of injustice to which he had been subjected. Having heard the protest, the officers addressed a letter to his Excellency the Governor, requesting that another party might be appointed in the room of Mr. Atkins as Judge Advocate in the pending prosecution of Mr. McArthur. The Governor, of course, as he was not authorized to adopt such a step, declined to interfere in the way requested. The officers importuned, and at last refused even to allow the papers before the court to be given up, until another Judge had been

appointed. The Judge Advocate, having, in the mean time, determined upon enforcing his authority, again caused Mr. McArthur to be apprehended, an act which drew from the military officers of the court a communication to the Governor of their serious objections to the proceedings of the Judge Advocate. This letter also required that Mr. McArthur might be liberated on his former bail. In reply, his Excellency summoned each of the officers in person to attend at Government House, in order that the recriminatory charge brought against them by the Advocate General, of contemplating an usurpation of his Majesty's Government, might be investigated by himself and a bench of magistrates as a grand jury for the occasion. This procedure, the officers in question looked upon as an intention on the part of the government to set aside the authority of the Colonial Court, of which they were members, and to try them previously to their imprisonment by the court constituted by himself.

At this critical juncture, Major Johnstone, commanding the New South Wales corps, arrived in town, having been detained through sickness at his country residence, and unable to attend, although several times anxiously pressed by the Governor, with a view, doubtless, of influencing the officers of the corps to some pacific and respectful arrangement. Upon his arrival, his brother officers, assisted by Mr. McArthur and his

partizans, instigated Major Johnstone to the belief that Governor Bligh desired nothing less than "to set aside all law in the colony, excepting his own will, and to oppress the officers of their corps in particular, by enforcing their degradation and punishment. In accordance with this advice, Major Johnstone, excited by his comrades and urged to step in between the Governor and the corps, first liberated Mr. McArthur, and then marching at the head of his regiment to Government House, arrested Captain Bligh, made him a prisoner in his own room, and on the following morning assumed the direction of affairs by a proclamation in the name of the King.

Governor Bligh's conduct throughout seems to us to have been strictly impartial, and, in the exigency of the circumstances, perfectly authorized, although it is to be regretted that a more predominant desire for reconciliation had not marked his correspondence, as the events were coming to their fatal crisis. The principal cause of the mischief lay in the anomalous position of the free British subjects of the colony in respect to the law and government of the territory. The Governor, at the time alluded to, was as absolute and irresponsible as the Autocrat of the Russias. The law was administered by a Judge Advocate in supreme, and by paid or honorary justices, in ordinary. The Civil and Criminal Code of England prevailed wherever it could be made

applicable, or was not superseded by any ordinance of the Governor, but even such law as this could be entirely set aside by the head of the government, if, at any time it was his pleasure to suspend the only judge of the land, or proclaim military law. The immediate administration of British law, as before stated, was in the hands of one party, who, as *sole resident judge*, could not be free from the suspicion of local prejudices. Whenever that judge sat *in banco*, he was aided by six officers of the local regiment, as jurors or assessors, who were equally open to the charge of natural and unavoidable partiality. The radical impropriety of such a situation brought itself to an issue in the case of Mr. McArthur—the Judge Advocate being, in private life, openly inimical to the prisoner, whilst the military jurors were as openly his friends. Mr. McArthur, feeling that he had little justice to expect at the hands of the former, challenged his right to preside at the trial, —a view in which the military assessors agreeing, they sent a requisition to the Governor for the appointment of a temporary president. Captain Bligh was aware that he could not deprive the Judge Advocate of his authority, except by suspending him, and that then even he had not the power to substitute another in the place of the deposed official. He declined, therefore, either interfering at all, or complying with the desire of the requisitionists. Judge Atkins in the mean

time aggravated the dislike and suspicion to which his former conduct had always subjected him, by carrying out his power with a high hand, by accusing the jurors of an attempt to usurp the executive and administrative authority of the government, and by causing Mr. McArthur to be apprehended and imprisoned. This step so enraged the officers, who were before at open variance with the judge, that they positively refused to deliver up the papers connected with the trial, which were before the court, and which it appears to have been the object of the judge to have got hold of, in order to continue the prosecution of Mr. McArthur in a second and another court convened for the purpose. The Governor, in so unprecedented a dilemma, convened a bench of magistrates at Government House, before which he summoned the jurors to inquire into the serious charge of usurpation and treason preferred by the judge. It was subsequently proved, on the evidence of the Governor's private secretary, that it was the intention of Captain Bligh to have made the projected investigation only a preliminary one, leaving its final adjudication, on indictment, if that were necessary, to the pleasure of the Home Government. It was his intention, also, meanwhile to have prevented the administration of the law in the person of Mr. Atkins, and to have left it in the hands of the magistrates, until further provision were made by the authorities at home.

The officers of the corps, however, having long been at enmity with Captain Bligh, to whom the Judge Advocate was a sycophant, whilst he used his power to insult and oppress any member of the opposite party, when within the operation of the law, rashly conceived the opinion that the Governor was determined not only to countenance the proceedings of the judge, to which indeed he was bound, but also to seize the occasion as one in which to inflict the summary vengeance of government on the refractory spirits of the opposite party.

It was then they ruled their commanding officer to use his power with the military to depose the obnoxious Governor and judge. Their conduct was doubtless impeachable as openly illegal and rebellious, but a very great allowance is to be made for their behaviour to the judge, whose prostitution of the law, when advantageous to his own mean and tyrannical feelings, was notorious throughout the settlement; and which, if it had been suffered to go longer unchecked, must have resulted in some violent collision between the officers and the judge.

In the highly excited state of all parties, it was natural that the officers should involve the Governor in their suspicion of the Judge Advocate's prejudiced and oppressive conduct, since they had quarrelled with his Excellency as a party from the date of his earliest arrival, while the judge had

been not only his supporter, as bound out of respect to the Crown, but the opponent of the military clique and influence in a manner highly discreditable to the sacred and lofty nature of his office.

The direct provocative of this insurrection is to be shown. We consider Judge Atkins to have been the cause, who, from his perversion of power, and desecration of the duties of judge to the pique and passions of the man, excited the movement which has remained a disastrous memorial against the character of all concerned.

A somewhat similar collision, between the administrator of the law and the colonists, has lately occurred in the district of Port Phillip, where the sole resident judge has been deposed and inhibited from the further exercise of office. Two such warnings, one would think, were sufficient to induce the British government to abolish so anomalous a constitution, as a district law-court presided over always by a *sole resident judge.*

After his arrest, Captain Bligh was detained a close prisoner until, by negociation with his captors, he was permitted to take command of H.M. ship, Porpoise, they stipulating that he was at once to proceed to England in the vessel thus placed at his disposal. This portion of the treaty was, however, evaded, and the deposed Governor sailed for Van Diemen's Land, where he probably

had hopes of finding means in the greater loyalty of the inhabitants to recover his lost authority; but the officers there, having received instructions from the party in power, Captain Bligh was disappointed in that quarter. He then cruised off the coast until certified of the arrival of a new Governor for the colony with particular directions respecting the case of his predecessor, and whom Captain Bligh hastened to join in Sydney. The Home Government had appointed Colonel Macquarie to the important post, with instructions to reinstate Captain Bligh for a period of twenty-four hours, then to direct his return to England, in order to prosecute the trial of Major Johnstone, who was sent home under the strictest arrest. The New South Wales corps, which was in reality the cause of the late insurrection and its various forerunners, was relieved of its charge as military guard of the colony, and re-transported to Britain. On the arrival of all parties in England, Major Johnstone, or, as he had at that time become, Lieutenant-Colonel Johnstone, was arraigned before a court-martial held at Chelsea on the 7th of May, 1811, declared guilty of highly mutinous conduct, and sentenced to be cashiered. He subsequently returned to New South Wales, where he died, several years after, in private life, a colonist of general repute and estimation. Captain Bligh obtained employment again in his original and more congenial service—the navy, and at his

death ranked as an Admiral of the Blue. The New South Wales corps was incorporated with the line, of which it now forms the 103rd regiment.

SECTION V.

GOVERNMENT OF MAJOR-GENERAL MACQUARIE.

Colonel Macquarie, who assumed the control of affairs in New South Wales as successor to Captain Bligh, was the fifth Governor of the colony. He took charge in December 1809, and continued in the post for a period of twelve years, up to December 1821.

The most remarkable feature of Governor Macquarie's administration, was his application of the large amount of convicts which rapidly swelled the population of the country to public works. By employing the prisoners as mechanics and labourers, he was enabled to complete many public buildings in Sydney, which continue to be of the highest utility, and he was also enabled to lay open the resources of the interior by the formation of roads.

The progress of discovery in the colony, which was almost at a halt in the previous Governor's reign, and the extension of the aids to industry of its inhabitants, profited greatly by these spirited undertakings, although a draw-back to its social

character was generated by the too great indulgence shown to the emancipist class.

Amongst the lines of communication with the interior constructed under Governor Macquarie's authority, are, the road from Sydney to the Hawkesbury, by the towns of Paramatta, Windsor, and Richmond, and that to Liverpool, Campbell Town, Airds and Appin settlements, which were founded at the commencement of his term of government. The principal achievement, however, in this department of public works was the road he caused to be made to Bathurst, a flourishing settlement which had been made at the distance of about one hundred and thirty miles westward from Sydney by the earliest settlers that had crossed the Blue Mountain Ranges, and occupied the plains of Bathurst as a pastoral locality. This tract of country was discovered in 1813 by Messrs. Wentworth, Lawson and Blaxland, (all now members of the New Representative Assembly,)* who, in a season of drought which afflicted the land, penetrated beyond the barrier of the chief mountainous range then known to the colonists, denominated the "Blue Mountains," and opened the way to the country beyond, which, by the comparative abundance and fertility of its pastures, afforded relief to the distressed flocks hitherto grazed on a burnt-up and degenerating soil nearer to Sydney.

* Since these pages were arranged, Mr. Blaxland has resigned his seat.

The public buildings erected during the administration of Governor Macquarie make too long a list to be particularized here; but, the General Hospital, the Military and Convict Barracks, and St. James's Church in Sydney are of the number, and form lasting memorials of his judicious employment of the means at his disposal for forwarding the service of the State.

Mr. Bigge, who was sent out from England expressly for the object of making the report of a Government Commissioner on the colony, subsequently attached censure to the extent of public building carried on by Colonel Macquarie, although he appears to be at a loss to suggest any other more useful mode in which the prison population could have been employed. Had it been the case that while such expensive works were proceeding, the country settlers were destitute of the assigned labourers whom they required, the Commissioner's reproach might be justified; but if, as can be shown, it was only the vastly redundant portion of the convicts who were employed in the manipulation of government projects, their disposal in such a manner proves itself to have been the best which could have been devised. Indeed a return to the system of continuing public works through the colony, partly at the expense of the Home Government, and partly as a charge on the Colonial Treasury, has been deliberately advised by many of the most talented writers on New South Wales,

and certainly secures our favourable opinion and approbation.

There is no more reason why convicts should not be again sent to this colony, and employed on the public works of the government, or even assigned, if necessary, to the employers of labour, than that a similar system of employment in France and Holland should be discontinued. So long as the system produced the reproach of the colony's being a convict colony, which, in consequence, was placed to some extent beyond the pale of free British institutions, it was advisable, perhaps, for the colonists to consent to its suspension. But as we never saw the force of the argument which kept this colony back on that account, so now we can no longer remain silent as to the positive amount of benefit derivable from a return to the plan of transportation and assignment. If we mistake not, the present ministry holds a view on the subject not inimical to its early restoration as a component part of colonial economy.

The chief and perhaps only fault about Governor Macquarie's administration, was his injudicious encouragement of the emancipists as a class, for, although there could be no just grounds for continuing to keep them in degradation after having satisfied the sentence of the law, yet, to advance them at the expense of the originally free settlers created that very division which, but for such

policy, would not, we consider, have been dreamed of.

It was the intention of Colonel Macquarie to carry on the admirable plan, introduced by Governor Phillip, of forming an agricultural population out of the emancipated inhabitants by giving them grants of land as an inducement to cultivation; but the indiscriminate manner in which the "granting system" was conducted, proved a source of much general turpitude and evil. Convicts whose address and cunning secured the coveted indulgence of emancipation, obtained grants of land which served only the purposes of after-traffic and fraud. Instead of being applied to the purposes of cultivation, they were frequently exchanged for liquor, which became an article of sale and consumption in every spot where a population of any amount was collected; a custom which was the means of forming a dissipated and improvident generation, in the place of a hard-working and virtuous people. Over the class to whom he had carelessly confided the elements of the country's future rural population, Governor Macquarie extended his special patronage, and with equal want of discrimination, the emancipists were admitted to associate with his own set of acquaintance—a circumstance which highly offended the originally free inhabitants, and by the immoral character of many of the emancipists at that time, first induced that vitiated taste which

has been so injurious to the colonial-born, and still continues, we fear, to exert a mischievous influence. It will not surprise the reader, therefore, to learn, that under this state of things, the immigration of free persons generally, but especially those of the upper and more educated classes, was greatly retarded, if not altogether checked; while the attempt of the Governor to place the emancipated convict in a higher position than in the natural order of circumstances would have been accorded him, failed from want of caution and care. That it was a praiseworthy and philanthropic motive that actuated Colonel Macquarie will be readily allowed, and that it might have been, under more prudent management, more beneficially productive to the emancipists themselves, and the colony at large; that it was not wholly devoid of success, there are now remaining most gratifying evidences in the persons of emancipated landed proprietors and farmers of substance and repute. Indeed, as Dr. Lang says in his "Historical Account of New South Wales," when engaged with the same subject: "During the long course of his administration, Governor Macquarie did succeed in settling many families of emancipated convicts on small farms in various parts of the territory; as, for instance, along the banks of the Hawkesbury and Nepean rivers, and at the agricultural settlements of Campbell Town and Appin; and had subsequent events not re-

duced many of these families to debts and difficulties, and obliged them at last to sell their farms, the result would doubtless have been exceedingly pleasing to the eye of philanthropy."

The progress of discovery during Macquarie's administration has already been introduced in mentioning the settlement of Bathurst. It was also in his time that the now thickly settled plains of Argyle were originally discovered and located; the value of this last discovery was of immense importance at the time, owing to the pasturage ground then attainable being limited, in comparison to the increasing flocks and herds of the colonists; and it was only by meeting with natural supplies of land and herbage in the interior from time to time, as the extending and valuable flocks demanded more room and nurture, that the expectancy of colonial wealth from its sheep could be realized. This, perhaps, is the best opportunity which will offer of recording the origin of that trade in wool which has since become so important to New South Wales.

It was a few years only previous to the arrival of Governor Macquarie, that the value of Australian wool was decided. Mr. McArthur, who was the first and almost only person who for many years paid attention to sheep farming, was sent home about the year 1803, on account of his having incurred the anger of Governor King, in fact, sent out of the colony under a virtual sentence of banish-

ment. On his arrival in England, he displayed the samples of wool grown by himself in New South Wales to some brokers, who thought so highly of it, and foresaw the advantage which would accrue to Great Britain, if, by its extensive cultivation, the Australian fleece could be made to compete in the English market with the Spanish and Saxon article, that they interested themselves to obtain for Mr. McArthur the special favour of the Home Government. In consequence, when Mr. McArthur returned, as he shortly did, he received a large grant of land suitable to his grazing adventure, and a number of assigned servants sufficient for his purpose. He continued his operations with variable success at first, but ultimately with such profitable certainty, as to make sheep-farming the general pursuit of the colony. When Colonel Macquarie assumed the government, the number of sheep in the country was about twenty-five thousand, but at his departure it had increased to fully a hundred thousand, besides supplying for twelve years a very large item of local consumption. In the year 1819, the tenth year of his administration, the export in wool amounted to more than 70,000 lbs., at a value of at least £10,000 sterling. Such being the state of sheep-farming in the colony, it will easily be understood that every discovery of pasturage ground extended the prospects of wool-growers, and consequently that the discovery of the plain pastoral country of Argyle was an

event of very considerable importance to the colonists.

It was during Macquarie's time that the government first entered on a systematic plan of forwarding the progress of discovery; and the labours of Mr. Oxley, the Surveyor-General of that period, were great as well as useful. "The Lachlan and Macquarie rivers, to the westward of the Blue Mountains, were traced in one of that officer's expeditions into the interior, and followed until lost in a vast swamp; the River Hastings, with a large extent of pastoral country to the westward called Liverpool Plains, was discovered to the northward; an agricultural penal settlement was formed at Emu Plains, a district lying at the eastern base of the Blue Mountains, as also were penal settlements at Newcastle on the mouth of the River Hunter, and at Port Macquarie on the mouth of the River Hastings."

Colonel Macquarie having administered the government in the manner which has been detailed, resigned it into the hands of his Sovereign in the year 1821, after a period of laborious service extending over twelve years. Colonel Macquarie died in 1824, but a few years after his retirement from public life, and his return to his native country.

SECTION VI.

GOVERNMENT OF SIR THOMAS BRISBANE.

So important had New South Wales grown, as a dependency of the British Crown, during the comparatively few years which have been reviewed in the preceding pages, that on the retirement of Colonel Macquarie, its government was entrusted to a titled officer of high rank in the army, and distinguished as much for his scientific acquirements as for his professional bravery. The sixth Governor of the colony was Major-General Sir Thomas Brisbane, K.C.B., a Scotchman by birth and extraction, who commenced his administration on the 1st of December, 1821.

At the time that Sir Thomas Brisbane came to the colony, the population exceeded twenty-three thousand souls, free and bond, with an ordinary revenue, arising out of its incipient commerce, amounting to about £5,000; this was, of course, exclusive of the large sums placed at his disposal by the British Treasury for the maintenance and management of the convicts, which must have equalled at least £200,000 per annum, taking the average annual cost per head at from £15 to £20 sterling, including all the expenses of management.

The impetus which the colony received during his predecessor's term of office, from the extension of its pastoral, agricultural and commercial capa-

bilities, had made New South Wales so much better known in England, as to render it at the time of Sir Thomas Brisbane's appointment, an opening field for free emigration from Britain; a character which has since grown so popular, as to have secured for it in 1843, not more than twenty years beyond the period of which we are writing, a free Representative Council, administering the legislature of the country to a population of one hundred and fifty thousand inhabitants.

To encourage the evidently growing opinion in favour of emigration to the colony, the British government held out inducements to respectable capitalists and men of family, in the shape of grants of land. It was expected that such emigrants would be able to employ convicts, whose expense to the treasury would in consequence be saved, and their gradual and safe reformation insured. These parties answered, we believe, all the expectations formed on the foregoing points, and first laid the basis of that industrious, respectable, and influential rural population, which Governor Macquarie had in vain tried to establish through the agency of the emancipists. In fact, so meagre was the state of tillage on the arrival of Sir Thomas Brisbane, that the country still habitually depended upon India for its grain. But so rapidly did cultivation increase with the increase of free immigrant capitalists from the mother country, that the penal agricultural settle-

ments, formed by Governor Macquarie at various eligible points, were speedily abandoned. The change, indeed, which followed in the moral, social, and commercial state of New South Wales demonstrated that the advice of Governor Phillip to make it from the first the abode of free settlers, who could employ the convicts, or government-men, was wise, and it proves that Governor Macquarie's belief that the colony would be most prosperous as the country consisted chiefly of emancipated proprietors, was erroneous, and injurious to its future political state.

It has been seen that the circumstances of the colony, when Sir Thomas Brisbane came, were highly propitious, and had it not been for the subsequently fatal measures of the government in regard to the monetary circulation of the country, would have led to the happiest issues for the credit of his management, and the advancement of the people. In an evil hour, however, Sir Thomas Brisbane was led to meddle with the currency by making the silver coin or dollars then frequently used, bear a high value in relation to the sterling coin of the realm. This was done with a view of making a market for the bills which the government was empowered to draw on the Treasury at home for the means of defraying the local expenses, and met with the fate which such shameful gambling, and interference on the part of the government deserved, for it tended to

attach the greatest censure to the officials concerned. It would have been well if this were all that had resulted; but, unfortunately, it involved nearly all the farmers in distress and ruin, for in settling their accounts with rapacious agents, they had to sell their produce—which, owing to another measure we shall presently describe, was down at a very low price—to the merchant at Sydney, and receive payment in the depreciated currency, whilst the debts they had previously contracted, and which they trusted the value of their produce would have liquidated, were wrung out of them in sterling coin. It should have been previously mentioned, that the measure of the government had made sterling coin so valuable, that twenty-five shillings of the current dollars—declared of the value of three shillings and sixpence—went to purchase only one sovereign, or twenty shillings sterling, or the value of it, in a draft on the Treasury. At the very same time that this improvident result was effected by the government in the value of money, the distress consequent to the farmers was aggravated by the depreciation in the price of grain, occasioned by the refusal of the government to purchase produce, as heretofore, at the King's stores; and giving, as was before the custom, the value of it partly in money, and partly in the stores which were always kept on hand for the convicts and military in the colony. Many of the farmers had to part with their wheat at a trifling

rate, and to sell their effects afterwards to pay the balance against them in the general dealer's ledger, so that the depression became very general, and created what in a large commercial country would be called a "panic."

To consummate the monetary confusion prevalent, the next year's produce was thrown back by a drought, and whilst in former years grain was so low in value that a large quantity was wasted, the result was a threatened famine, and flour had to be imported at enormous cost from foreign ports.

These events which passed rapidly on during the years 1823 and 1824, tended, of course, to make Sir Thomas Brisbane particularly obnoxious and unpopular. Representations were made by his opponents of the want of judgment which he had betrayed in managing public affairs, and by the influence they exercised in England, Sir Thomas was recalled before he had entered the fifth year of his term of office. He went, we believe we are right in saying, without a regret or a good opinion.

During the government of Sir Thomas Brisbane, considerable progress was made in the way of discovery in the interior. In 1823, Captain Currie, in an expedition southerly in search of the upper part of the Murrumbidgee, a river which had been discovered watering the plains of the district of Argyle, came upon the tract of grazing

country known now as the "Maneroo Plains," but which were originally designated the "Brisbane Downs." Messrs. Hovel and Hume, in 1824, made an overland journey to the north shore of Bass' Straits in the neighbourhood of Port Phillip, which subsequently led to the establishment of a penal station at Port Western contiguous to Port Phillip. In the beginning of 1825, Mr. Cunningham opened up the pasture grounds of Liverpool Plains to the northward, by finding a practicable pass in the dividing ranges from the district of the Upper Hunter, of which the settlers in those crowded parts gladly availed themselves; but the most important discovery made in Governor Brisbane's time was that of the Brisbane River, by Mr. Oxely, the Surveyor-General, while exploring Moreton Bay to the northward, and into which the Brisbane empties itself. This was in October, 1823, since which period, Moreton Bay has been occupied for many years as a penal settlement, but is now a free district.

SECTION VII.

GOVERNMENT OF LIEUTENANT-GENERAL DARLING.

Lieutenant-General Sir Ralph Darling, in succeeding Sir Thomas Brisbane, made the seventh of the successive Governors who had administered the affairs of the colony since its foundation. His

vice-regal sway commenced on the 19th of December, 1825, having arrived at Sydney only a few days after the departure of his predecessor.

According to the principles which govern the moral as well as the physical world, it need not occasion surprise, that a strong reaction, with regard to the public position and status in society of the emancipated convicts, took place in the opinion of government, and the free inhabitants during the administration of Sir Ralph Darling.

It will be remembered, that Governor Phillip had commenced in a quiet and judicious manner to encourage prisoners in a life of industrious occupation upon their becoming emancipated, by bestowing on them grants of land. In the reigns of his successors, the countenance of the Governors was on the whole favourable to that class, and this feeling of patronage increased until Colonel Macquarie's accession to the government, when it positively raised the emancipated portion of the colonists above that portion which had originally been, and remained, free. This Governor's partiality of opinion went so far as to induce him to check free immigration, in order to give the greater scope to the prisoners as they obtained their emancipation. The frequent complaints urged at home against his policy by the agents and friends of the free colonists, in all probability originated the instructions under which Governor Darling

professed to act in his severity towards the convict and emancipated population. This sudden change in the policy of the local government was naturally accompanied by those violent feelings and demonstrations which served amongst other causes to agitate and embitter the administration of Sir Ralph Darling.

The chief merit of this Governor's reign was the system of order and despatch which he introduced into the government departments,—a system which had been as much neglected by his predecessors as it has been unnecessarily loaded with forms and technicalities by his successors. An increase of forms was doubtless required by the enlargement of the various public departments, but it is a question whether in the first place the *employés* of the government were not far too numerous, and the machinery too expensive; and, in the second place, whether such a multiplicity of requisitions did not cause vexatious delays and inconvenience, particularly in the remoter districts of this extensive country and its scattered communities. The present elective council no sooner came into office, than agreeing with Lord John Russell in his frequent despatches recommending economy on the enormous cost of the colonial government, they set about the work of reduction in good earnest, and in dispensing with the services of numerous officials, simplified public

business, and kept its transactions within reasonable limits, obviating also many of its faulty and cumbersome adjuncts.

The chief fault of Governor Darling in administering the affairs of the colony, was his practice of intrenching himself within a spirit of stern and exclusive reserve, a fault which brought sycophants about him, who by their obsequiousness obtained power, until their reflection of his practical severity became oppressive, and iniquitous. The subserviency of such people, joined to their real activity and pretended zeal in carrying out the mandates of his will, was of course rewarded in various ways, until these rewards took the colour of favouritism and injustice. Thus grants of land, of convict labour, and lucrative monopolies within the control of government were freely made, until the Governor found himself highly unpopular, and laid the fulfilment of his duties open to the charges of jobbing and corruption.

So greatly had the free population of the country increased since the government of Macquarie, that at this time the amount of prisoners disposable for assignment was far in arrear of the demand amongst the settlers. Owing to the understanding that the country was supplied with an operative population from amongst the prisoners of the Crown, few, if any, of the humbler classes visited the colony, and those who did, after remaining

in service, chiefly as overseers for a short time, found means to start themselves in life independently of service to others. Indeed, it appears, from the tenor of the regulations on the subject of grants, that before an emigrant could obtain the land he applied for, he had to show that he either possessed five hundred pounds in hand, or had expended that sum in the emigration of himself, or of himself together with his family. This regulation naturally operated to exclude the emigration from England of parties with a smaller patrimony than that of five hundred pounds. Consequently, nearly the whole of the free emigrant colonists, besides the emancipated inhabitants, were employers of labour, and were applicants to government for assigned servants as well as land. It was this state of affairs, and the direction given to them by the executive, that occasioned the unpopularity of Sir Ralph Darling; for it was asserted, and not, apparently, without some foundation, that the greatest partiality and favouritism were shown in the distribution both of grants and of assigned servants. Of this fault we are willing wholly to acquit the Governor himself, but it must be imputed to him as blame-worthy, that he suffered his vigilance to sleep in regard to the misrepresentations and intrigues of some of the officials about him. There can be no doubt that numerous complaints can be established, as

to the quantity of prisoner-labour allowed to some colonists, and the almost total deprivation of labourers under which others suffered.

Another ground for reproach against the chief executive, originated with the capricious system adopted of forming roads through the country districts by the employment of prisoners. It was not always on the main, or arterial thoroughfares of the territory that public labour was expended, but on cross roads, which in many instances owed their formation solely to the selfish management of the large landed proprietors of the district. This is an abuse which continued, and until lately prevailed in Van Diemen's Land to a shameful extent. It arises generally from a sort of compact made between some officers of the colonial government, and their craving relatives and influential friends. It was an abuse which, consequent on the penal state of the colony, has in New South Wales gradually become extinct, partly from the reduction of the present establishment, and partly from the careful watch kept on the motions of government by a searching press at home, and in the colony.

It was in Governor Darling's time, that the country felt for the first time the rapid changes effected in the moral and social world by the excitement and depression of commercial transactions; changes to which the country has again and again been subject, without bringing any accession of

prudence to the people from the lessons of past experience.

Almost at the commencement of this Governor's administration, a company was formed in Britain for carrying on the usual operations of a colonial settler's pursuits; only on a gigantic scale, and for the benefit of a great number of individuals. Agriculture and stock-breeding were the chief objects of the society, although mining for coals was added with considerable profit to the company, and benefit to the colony. Although the members, or shareholders in the capital stock of this association were just so many partners in a colonial farming and grazing concern, yet as it did not suit the taste or circumstances of any to emigrate to New South Wales, and take an active part in the proceedings, it was agreed to depute a manager, and appoint various necessary servants, who, being sent out to the colony, were to work the concern whilst resident there for the benefit of the shareholders. With the spirit of jobbing which for many years past has characterized these co-partnery schemes at home, the directory made berths or situations, with competent salaries attached, for the servants or officers appointed, and in whom a majority of the directors felt some private family interest. The capital of the association was raised in shares, nominally to the amount of a million sterling. As private parties obtained their grants of land, so this public company applied for a grant, and had several

grants given to them, in separate blocks, to the extent of a million and a half acres. The first grant, containing one million acres, was chosen by Mr. Dawson, the original agent, in the neighbourhood of Port Stephen, and the second some years after, encompassing six hundred thousand acres in the district of Liverpool Plains, and on the banks of the Peel River.

At the outset of its operations, the association, under the title of the "Australian Agricultural Company," despatched a number of clerks, agents, superintendents, and indented servants, under the charge of a principal agent, who was himself under the control of the colonial committee, composed of several resident gentry. Mr. Dawson, the first principal, was removed after a short period of service, and succeeded by Captain, Sir Edward Parry, the celebrated Polar navigator, at the enormous salary of £2000 per annum for seven years, and an annuity of £300 a year engaged to him upon his retirement. Sir Edward Parry was succeeded, in 1834, by Lieutenant-Colonel Dumaresq, under the grandiloquent title of Resident Commissioner, but upon a salary of only £700 a year. Upon the death of this highly esteemed colonist in 1837, the affairs of the company were placed under the management of Captain King, who continues to fill the situation.

It must be evident enough, that there could not be the same industry and spirit displayed by a

number of paid servants and officers, as if the operations had been in the hands of the proprietors themselves;—at least, the result proves what other colonists anticipated from the first, and the company's concern although paying a large annual dividend, has been yearly reduced in its expenses, at the same time that the working part has been put into a more active shape, and the machinery greatly compressed.

It was the cumbersome nature of this machinery that assisted to retard the success of the Agricultural Company at their commencement, and to increase the system of extravagance and jobbery which marked its earliest operations. But if the comparative loss to the shareholders of the company had been all the injury the colony indirectly sustained through their operations, it would have been well for New South Wales generally in succeeding years.

The simple introduction, however, of its capital into a country, before that time comparatively poor, was the origin of the great commercial revolution which was just now alluded to. The agent of the company immediately set about carrying out the directions he had received, and purchased largely of the older proprietors sheep and cattle, wherewith to stock the company's immense grants.

The improving market thus opened for the disposal of surplus stock, considerably raised the value

of sheep and cattle. Parties who, previously to the arrival of the company's agents, only looked to their flocks and herds as affording a sort of patriarchal independence, discovered that they possessed a value which might be easily realized in money. Stock of all descriptions rose in price; and many who before were content to earn a livelihood for themselves and their families as plain farmers or cultivators, mortgaged their lands to buy stock; and those who had stock bought more, while several who saw the progressive value created from day to day, bought and sold on speculation.

As a very general confidence prevailed in these transactions, credit was facilitated: in the same ratio settlers continued purchasing far more than they could manage, and accumulated debts of which it ultimately became impossible to pay either principal or interest. It was imagined that the growth of the wool from the sheep of the colony was to produce perpetually a splendid income, and accordingly fine wool was sedulously cultivated, although whatever produce might have been expected from cattle and other stock, it was very generally neglected.

As is usual in such stages of fictitious prosperity, extravagance in social life followed upon the fancied attainment of riches, the manufactures of England were largely introduced, and a great variety of articles of consumption, which might have been produced in the country, with common industry

and patience, were flowingly imported and made use of on liberal credit.

During the years 1827, 1828, and 1829, the value of the imports rose from £262,324 to £570,000, and £601,004, falling again rapidly to £420,480 in 1830; and if the excess of imports over exports is to be taken as a criterion of commercial unsoundness, the value of exports for the same years will show a very heavy balance against the colony. The value of exports in 1827 was £70,314, leaving a deficiency of nearly £300,000! The value of exports in 1828 was £90,050, showing a deficiency of nearly £500,000!! The value of the exports in 1829 increased to £161,716, leaving still, however, a deficiency of nearly £450,000.

At length, however, the evil day arrived; the bills which had been circulated on the speculation of purchases in stock fell due and had to be paid. Buyers and sellers when they came to press each other, found how delusive had been their speculations: credit was shaken—confidence was lost—and a panic ensued.

To aggravate the distress of the colonists, both on account of pecuniary difficulties, and the regret which follows money wasted and time lost, a drought was afflicting the country, which, although from its commencing in 1827, and continuing through 1828 and 1829 was comparatively but little heeded, on account of the golden and extra-

vagant visions in which during those years the people indulged, yet oppressed them with a terrible weight at the close of 1829, and the beginning of 1830; when the sudden revulsion of affairs made men look around them with maddening reflections. When the drought commenced, they fancied they were in a position to neglect the cultivation of the soil for grain, to follow in search of the "golden fleece," and that they could then afford to import grain from Van Diemen's Land.

The importation of grain in 1828 was valued at £54,823, and in 1829 to £42,640. The lesson which was taught the colonists by their former folly revived agricultural industry, and their labour in 1830, joined to the return of propitious seasons, reduced the importation of grain in that year to the value of £23,344, and although it increased again the following year to £27,691, it was reduced in 1831 to £13,365.

It has been thought profitable to dwell at length upon the details and consequences of the first commercial revolution that took place in New South Wales, that its narration may be compared with those of similar eras which followed in 1836 and 1841. In all of these, but particularly during the last and present crisis, the punishment of foolish and extravagant speculation was severely felt by the colonists in spite of all the bitterness of former example and past experience.

Unfortunately, political excitement of a dan-

gerous tendency was going on during the same period, that is described as having been occupied by scenes of commercial speculation and highly wrought expectation. Two privates of the 57th regiment, then stationed in Sydney, committed a theft in the latter part of the year 1837, and on being tried and convicted, were sentenced to transportation for seven years. Shortly after their conviction, it came out that the theft had been designedly committed for the purpose of incurring the penalty of transportation, one of the convicted soldiers having himself determined to commit the crime, and having persuaded his partner in guilt to the same act, upon the plea that the life of a convict was preferable to that of a soldier in New South Wales. So dangerous a doctrine, Sir Ralph Darling resolved to punish and suppress by a solemn and striking example. By his authority as Commander of the Forces in the colony, conjointly with his authority as Governor, General Darling revoked the sentence of the civil court, and condemned the men to hard labour on the roads for a period of seven years.

They were then openly stripped of their regimentals in view of the whole soldiery of the town clothed in the prisoner's degraded garb, and exhibited for several hours in heavy manacles and iron collars. One of the men, overcome with anguish and despair, fell into a violent fever, which, heightened by the heat of the weather during

his exposure, sent him to the hospital as an invalid, where he died in a few days. This unlooked for termination of the Governor's example supplied the large body of free colonists, with whom his Excellency had long been unpopular, with a handle for severe animadversion. The man's punishment was denounced as intentionally cruel, and the lamentable end of the soldier was ascribed to a brutal and unfeeling disposition in the commander.

At this time the government possessed an organ in a local newspaper, called the "Sydney Gazette," and the manner in which it was recognized as an organ, was from its having a monopoly of all the government notices and advertisements. Since the establishment of a press in the colony, it appears that the government had been in the practice of publishing all the orders in council, and notices connected with the public business of the colony in the only paper then published in New South Wales, a species of patronage which converted the "Sydney Gazette," the oldest and only journal of the country, into a supporter of government policy, and an echo of the opinions of the Governor's party. This paper, then, at the earliest signs of disapprobation that appeared amongst the anti-government party, came forward to defend the act of Sir Ralph Darling, in a manner that betrayed not only servility to power, but was annoying and insulting to many respectable persons who held contrary opinions. The

circumstances of the case quickly called out the latent talents for agitation existing in their breasts, and became the means of bringing into existence two or three journals, avowedly supported by, and in the pay of the Governor's opponents. One of these was the "Australian," edited by Dr. Wardell, and another was the "Monitor," edited by Mr. E. S. Hall. Both papers immediately commenced a violent and vituperative warfare, which was met with equal warmth by the government organ, and as in its maintenance of the Governor's policy, it was openly countenanced by Sir Ralph Darling, his Excellency was himself greatly to blame for the indignities to which his name and office were subjected throughout the contest. General Darling, who both in his former government of the Isle of France, and that of New South Wales had exercised and continued to sway a most arbitrary authority, sanctioned by the colonial constitution, was sternly bent upon suppressing the offensive freedom of the newspapers opposed to himself, and accordingly enacted a law, by which editors, printers, and publishers of newspapers were obliged to enter into heavy recognizances for their good behaviour, and were submitted to the most galling surveillance. This law also provided a penalty of fine and imprisonment for a first conviction of libel, with confiscation and banishment for the second. So severe a measure only enraged his opponents to the last extreme, and caused the newspaper press

to be occupied as a violent arena for controversy, for and against the government during the remainder of his term of office.

Lieutenant-General Darling resigned the situation of Governor of New South Wales, and left the colony in October, 1831, his opponents continuing to the latest hour, previous to his departure, to assail him with the severity of their attacks; a spirit of opposition which must have become outrageous, if, as is said to be the case, Mrs., now Lady, Darling was insulted by some of its leaders. Subsequent to his arrival in England, General Darling was in 1835 impeached for malpractices on the repeatedly urged complaints of his enemies, particularly of Mr. Maurice O'Connell; but, upon investigation, he was honourably acquitted of the charges preferred, and made a knight by his Majesty William IV., in token of the undiminished confidence reposed in him by his Majesty's ministers.

During the whole of General Darling's administration, the legislative control of the government was in the hands of a council nominated by the Crown, who conjointly with the Governor, passed all laws for the welfare, peace, and good order of the colony. The Legislative Council was appointed in 1824, shortly before this Governor's term of office commenced, and consisted of fourteen members, seven of whom were officers of the Crown. The Legislative Council which was

originally given to New South Wales has been enlarged and amended, until it was lately fixed in its present shape of thirty-six members, twenty-four elected by the people, and twelve appointed by the Crown.

The progress of discovery during the period of which the political events have just been narrated, was both extensive and important. The great and oppressive drought which afflicted the colony for three years, as already mentioned, stimulated the government to fit out an expedition in search of a better watered and more available country than that which was already occupied. Captain Sturt, at present holding the office of Resident-Commissioner to the South Australian Company, at Adelaide, was appointed to conduct an expedition to survey the country about the great inland sea into which Mr. Oxley, the late Surveyor-General of the colony, had reported the Macquarie River as disemboguing; the inland sea was proved to be only an immense marsh about one hundred miles in circumference, at the northern edge of which the river made its re-appearance. On being traced, it was found to join another large river which was flowing in a south-westerly direction, at the time that the expedition was compelled to return.

In the year 1827, Mr. Allan Cunningham made his second journey to the northward, traversing the country which lies at the back of Moreton Bay,

and is now occupied by settlers, during which journey the Rivers Gwydir and Dumaresq were discovered.

Major Mitchell, the Surveyor-General of the colony, some time afterwards, having the direction of an expedition to the same quarter as that last referred to, ascertained that these two rivers flowed into the Darling. The further prosecution of his journey was, however, interrupted by a predatory attack of the natives.

CHAPTER II.

HISTORY OF THE COLONY OF NEW SOUTH WALES DURING THE GOVERNMENTS OF SIR RICHARD BOURKE AND SIR GEORGE GIPPS.

SECTION I.

INTRODUCTORY.

In accordance with the plan intimated in the commencement of the work, the present chapter will be devoted to the consideration, in detail, of the various and important measures adopted by the imperial and colonial governments from the year 1832 to 1844 inclusive, during which period the affairs of the colony had been administered by Major-General Sir Richard Bourke, and his Excellency Sir George Gipps. It has been considered advisable to allot a larger proportionate space to these administrations, because, not only has the ground been untraversed by any regular historian, but the capabilities of the colony have, during that period, been more fully developed; prospects for the future have been opened, the realization of which had pre-

viously been but remotely anticipated, if not considered altogether chimerical; and, above all, a constitution has been granted to the colony, which secures to us, in many important particulars, the privileges of a free people. We have received the first element of freedom—a Representative Legislature; a boon which, though in the opinion of many, it has been tardily conferred, and is of a limited character, cannot but be regarded as of the highest value, as being calculated to promote the growth of the enterprise, the education, and, it may be added, the religion of the community, for "freedom is the twin sister of virtue." If we had not attained our full political majority, we had at least arrived at that age when the analogy between men and states suggested that we should have the privilege of choosing our own guardians; this privilege our imperial mother has, it may be with some reservations, accorded; and it is not without strong feelings of satisfaction that the present volumes are issued to the world, as the first History of New South Wales under our free Constitution.

Major-General Bourke arrived in the colony on the 2nd December, 1831, an interregnum of six weeks having elapsed since the departure of his predecessor, during which brief period the duties of Acting-Governor were discharged by Lieutenant-Governor Colonel Lindsay, of H.M. 39th regiment. It will be proper, before enter-

ing on the consideration of more momentous subjects, to notice a few minor points, which may convey to the reader an impression of the general character of Governor Bourke's administration, and which will prevent the necessity of subsequent digressions.

The colony, at the time of General Darling's resignation, was, and for some time past had been, in a state of excitement which affected both its political and commercial welfare. The causes of this excitement have been briefly mentioned; they are reducible to two; viz:—the undue interference of his Excellency with the public press; and his undue encouragement of one particular class of colonists, to the entire exclusion and positive hindrance of the other. The operation of both these causes very materially impeded the prosperity of the colony. Indeed, it could hardly have been otherwise; for, during the latter part of his administration, his Excellency was chiefly occupied in devising measures to restrain the freedom of the press, and in prosecuting those publishers who ventured to question either the soundness of his views, or the policy of his measures. He had, therefore, little time to attend to the more important affairs of his government; and he was so completely surrounded by the exclusive party, that scarcely any public measure was carried into effect of the slightest importance to the general advancement of the colony. In

short, feelings of distrust and suspicion, partly arising from commercial losses, and partly from the highly irritating and arbitrary course observed by his Excellency, pervaded every class of the community; the wheels of commerce had been taken off, and she was driven heavily; and a continuance of the same system must have terminated in the utter ruin and desertion of the colony.

The arrival of a new Governor was consequently hailed by the colonists with the liveliest demonstrations of satisfaction; and seldom has any colonial Governor arrived at the seat of his government with such favourable prospects of enduring popularity and usefulness, as those which opened on Major-General Bourke. The greatest results were augured from his administration, and it is gratifying to state that the colonists were not disappointed. His Excellency was found to possess, in an eminent degree, all the decision of character which distinguished his predecessor, combined with the public spirit and energy which had characterized the government of Macquarie; while his accessibility, and unaffected desire to advance every beneficial undertaking, tended to confirm the prepossessions which the public had entertained in his favour. The fevered condition of the social blood, aggravated as it had been by a phlogistic regimen, attracted the early attention of his Excellency, who succeeded, by an opposite treat-

ment, in restoring our political system to health and vigour. One of his first acts was to renounce all official connection with, or patronage of, the public press; and the editor of the "Sydney Gazette," assuming the style of the Moor of Venice, apostrophized his types and presses as follows:—

"And oh! you mortal engines, whose rude *forms*
The *Governor's* dread clamours counterfeit.
Farewell! *Your master's occupation's gone!*"

The highest officer of the colony, the representative of the British Crown, was no longer under obligation, for a defence of his measures, to a hireling advocacy; those measures, as ought ever to be the case, were left to the weight of public opinion; nor did the impartial journalists, who canvassed them, fear any apprehension of an action for libel. The system of Spain, which permits every man to print what he pleases, so long as he does not speak of the government, the theatre, the markets, nor of the state of parties —a system scarcely more arbitrary than that pursued by General Darling—was decreed by General Bourke to be unsuited to the constitution of Britain, and not calculated to promote the welfare of British colonists. The train of adulators, therefore, at the printing office, were dismissed from Government House, having received an intimation from his Excellency that no more

crumbs were to be picked up under the table. The printing required by the government was thenceforth thrown open to the competition of the trade, and though for some years the trade was badly supplied with journeymen of steady character, this inconvenience was found less injurious than the system of monopoly and exclusion which had hitherto prevailed.

The colonists had long felt it a grievance, that the reporters of the press were denied admittance to the Legislative Council; but as that body, during the administration of General Bourke, consisted entirely of nominees of the Crown, it could hardly be expected that such a surveillance would be permitted. His Excellency, however, to remove as far as possible any just ground of complaint, was pleased to order that copies of the votes and proceedings of the legislative body should be sent regularly to all the newspapers of the colony, and that quarterly accounts of the colonial revenue and expenditure should also be published at the expense of the government. For this latter purpose, and also for the advertisements of land sales, and other government notices, the Government Gazette was issued from the press of the contractor for the government printing, and under the immediate control and superintendence of the Colonial Secretary. This conciliatory measure was most favourably received by the colonists, who perceived that, under the then Constitution of the colony, it

was not in his Excellency's power to concede any further facilities to the public.

His Excellency also exerted himself, as far as possible, to allay the feelings of jealousy which existed between the exclusive and emancipist parties. There can be no doubt that the management of these rival classes of colonists forms a great difficulty in the path of a Governor in New South Wales. Governor Macquarie had so openly identified himself with the emancipist interest, that he made no scruple in declaring that "the colony was intended for convicts, and that the emigrants had no business in it." This opinion, however, was not only unfounded in fact, but was highly injurious in its tendency. The avowed object of the imperial government in forming a settlement on the coast of Australia, was, besides ridding the mother country of a vast amount of criminals, and providing for their safe custody and punishment, "to form a British colony out of those materials which the *reformation* of these criminals might gradually supply to the government, *in addition to the families of free emigrants who might from time to time be induced to settle in the new territory.*"

This avowal of the imperial government, not only proves that the occupation of the lands in the new settlement by the free emigrants was contemplated from the very first, but appears to point out the proper light in which the emancipist

population ought to have been regarded. It was not the merely *emancipated*, but the *reformed* criminals, whom the government believed likely "to form a British colony." But, by a strange and lamentable oversight, free emigration was, for more than thirty years, not only neglected, but discouraged, on the unsound principle broached by Governor Macquarie; and the inevitable consequence was, that the emancipists grew up into a large, wealthy and influential body, who considered the free immigrants when they did arrive, as intruders, and vented their spleen in terms neither warrantable nor measured. The immigrants, on the other hand, naturally shrank from associating with men, who, though legally free, in many cases had not given evidence of a complete reformation of character, and who, besides, had manifested so hostile a spirit towards themselves.

In such a state of things, where one section of the community was at war with the other, the policy of Governor Darling, in identifying himself with the exclusive party, and dispensing the advantages at his disposal entirely among them, departed from the principle of impartiality not less than Governor Macquarie, who confined his patronage to the emancipists. Even Sir Thomas Brisbane, who was by no means a man of extremes, did not succeed in discovering the true mode of

procedure in this difficult business; for, after confining himself, during the greater portion of his administration to the exclusive party, he endeavoured to make amends to the emancipists, when the hour of his departure approached, not by conceding any important public benefit, but *by accepting their invitation to a public dinner.*

That such a continual cause of irritation should have been suffered to exist for so long a time, must be considered a matter of deep regret; and the more so, as a due encouragement of free emigration in the earlier years of the colony, would have effectually prevented the emancipist body, as such, from ever assuming the least political importance; while their gradual reformation would have been promoted by their dispersion over the territory, and their eventual capability of exercising the highest privileges of British subjects would have been secured. A contrary course had, however, been pursued; and at the time Major-General Bourke assumed the reins of government, the unhappy irritation which has been described, had risen to the highest pitch, contributing, with the other causes mentioned, to throw the whole social elements into a state of aggravated and most unhealthy fermentation. His Excellency, however, had discrimination enough to perceive the impolicy of recognizing any invidious distinctions; the benefits at his disposal were granted without reference

to party; and it soon became understood that merit was the only test by which applications would be decided. By a calm and impartial observance of this course, public confidence was restored; the feeling of hostility which had previously existed was gradually quelled, and it is earnestly to be hoped that no incautious step on the part of the government may ever revive it.

During the year 1832, Governor Bourke made a series of tours to the most important settlements in the colony, with a view of personally ascertaining their actual condition, and capabilities for future improvements. This judicious step tended greatly to strengthen his popularity, and the enthusiastic reception which he uniformly met, must have been highly gratifying to his feelings. Dr. Lang records, "that several miles from the settlement of Bathurst, all the respectable proprietors of the district met him on horseback, and escorted him to the settlement. His reception at Argyle was equally flattering; and the town of Maitland, at Hunter's River, was illuminated in honour of his visit."

It may also be of some advantage to mention in this place, that, from the best data which could be obtained, it appeared that the population of the colony in 1831 amounted to not less than fifty-five thousand souls. It is true, that the census taken in 1828 had exhibited a population of little more

than thirty-seven thousand; but there were circumstances which cast strong suspicions on the accuracy of that census;* and the calculation which has been adopted above is based on the censuses taken under the administration of Sir Thomas Brisbane, which gave the following results:—

Population of the colony in		1822	24,188
,,	,,	1823	28,333
,,	,,	1824	33,595
,,	,,	1825	36,866

showing an average increase of about four thousand per annum. Allowing the increase to have continued at the same ratio during the five years of Governor Darling's administration, the above estimate will not be found to exceed the probable truth.† The census taken in 1833, was managed with great judgment, and may, therefore, be relied

* The papers left by the district constables at each house required the householder to specify whether he had arrived free, or as a convict; a requisition which led to much falsification. In addition to this, the colonists were apprehensive of a poll-tax, and the returns consequently were in many cases incorrect. Many houses also were entirely omitted through the negligence of the constables.

† The increase of population by immigration was not so great under General Darling as under Sir Thomas Brisbane, but the number of marriages and births was so much greater, that the deficiency was probably supplied by this means.

on with some confidence. It exhibited the following result:—

Free males above 12 years of age	17,542		
Do. under do. . .	5,256		
		22,798	Total free males.
Free females above 12 years of age	8,522		
Do. under do. . .	4,931		
		13,453	Total free females.
		36,251	Total free persons.
Convict males . . .	21,845		
Convict females . . .	2,698		
		24,543	Total convicts.
		60,794	Grand total.

On considering the above table, two circumstances cannot fail to attract the attention: the disproportion between the male and female population, and the large number of convicts in proportion to the free population.* These facts show such a lamentable want of foresight on the part of the imperial government, that it cannot be a matter of surprise that the colony has hitherto held a low moral position, and that the office of a Governor is by no means an enviable one. According to the census of 1833, the number of free females above

* Even of the free population, at least, one half were emancipists; while of the convict a large number held "tickets of leave," that is, they were turned loose upon the colony, to gain a livelihood as best they might, and invested with the privilege of free subjects, until some new offence should bring them once more under the arm of the law.

twelve years of age did not amount to one half the number of free males of corresponding years, while among the convicts, the proportion of females was not *one-tenth.* That crimes of the most flagrant and horrible character should exist among a population so constituted, might have been predicted by the merest tyro in political economy; and the fact, that, even after the large influx of free immigrants during Sir Thomas Brisbane's government, the number of convicts amounted to two-fifths of the whole population of the colony, is of itself sufficient to account for the preponderance of the emancipist class, and to show the difficult task which Major-General Bourke had to perform, in reconciling, or at least in preventing any undue clashing between the two great rival interests in the colony. There cannot be the least doubt that these considerations had great influence in inducing the imperial government to adopt the measure which forms the chief feature in the history of the period now under review, viz., the abandonment of the system of alienating the Crown lands by *grant*, and the substitution of the system of *sale at a minimum price;* the proceeds, after certain deductions, to be appropriated to the encouragement of free immigration. Subordinate to this measure, another was subsequently introduced, with a view of preventing the occupation of the unalienated Crown lands by unauthorized and improper persons. This was the issuing of depasturing licenses, the holders of which,

on payment of a fee of £10 per annum, became entitled to the use of the waste lands of the Crown, for the depasturing of as many sheep and cattle as they possessed. The sale and permissive occupancy of the Crown lands, form at present the grand topic of discussion among all circles interested in the affairs of the colony; and, as it is impossible to understand our political position aright, without an accurate knowledge of these important subjects, it is intended to exhibit them as fully as possible, and with that care and freedom from bias which questions of acknowledged difficulty demand. For the sake of convenience, these questions will be examined chronologically, and their history brought down to the present time (1844) before any others are discussed. The subjects of immigration, and the discontinuance of transportation, will be considered in succeeding sections. A section must also be reserved for a brief account of several minor measures introduced during the period under examination, and for a few remarks on the general character of Sir George Gipps' administration. This branch of our subject will conclude with a careful analysis of the first two sessions of the Representative Legislative Council.

SECTION II.

SALE AND OCCUPATION OF CROWN LANDS.

Previously to the year 1831, the disposal of land on behalf of the Crown appears to have been conducted in a manner sufficiently loose and irregular. The early Governors had followed the practice of granting sections of land to convicts on their emancipation—to such, at least, as were willing to accept them—a practice, which, though in some instances attended with good effects, was far from answering the benevolent expectations of those who recommended it.* If the mere possession of a section

* The error consisted in investing men with the rights of property, who could not be supposed to know the value of real property, or to have any respect to the privileges which it conferred; in short, in giving land to men who were ignorant of those acts by which land is made valuable. It is but just to the memory of the humane and enlightened Governor Phillip, to state, that his views were not carried out by his successors. On this subject, the following remarks of Dr. Lang, are worthy of attention: "I am decidedly of opinion, that Governor Macquarie's procedure in discouraging free emigration to New South Wales was impolitic, and preposterous in the extreme; and I am equally confident, that if the British Government had steadily followed up the prudent suggestions of Governor Phillip, by encouraging the emigration of free persons of reputable character in the earlier times of the colony, and by doing every thing that was requisite to promote their comfortable settlement throughout the territory; not only would the colony

of land could have operated as a Lethœan draught on the former habits and associations of the convict, and transmitted the leaden vices of the town into the golden virtues of the country—if, in short, to borrow the phrase of Governor Hunter, "pick-pockets could have been made farmers" by a dash of the Colonial Secretary's pen, no possible scheme could have been devised better calculated to develop the principle on which the colony was originally founded, nor could any scheme of colonization have been pronounced more eminently successful. But, unfortunately, the government, in spite of their blunders, were at length compelled to see that these grants of land did not possess alchymical powers; and, instead of contemplating wit h satisfaction the result of their political experiments, they were at

have raised grain sufficient for its own consumption at a much earlier period than it actually did, and thereby saved the enormous expense incurred by the frequent importations from India and Batavia, but flourishing agricultural settlements would have been gradually formed with the utmost facility, and at little or no expense to government, all over the territory: while the highly important process of converting the prison population into an agricultural population, would have gone on progressively and succesfully, and the British Government would have been saved the enormous expenditure incurred on the government and experimental farms of the colony—an expenditure which, I am fully persuaded, has proved of so little real benefit to the colony, as if the money had been thrown at once into the Pacific Ocean."—*Historical Account of New South Wales, vol. I. Cap.* 6.

length driven to adopt measures to counteract the evils which had their source in the rash and improvident policy which had previously been observed.

It was found that the reformation of the emancipated convicts was, generally speaking, as far distant as ever; while large and valuable portions of the Crown lands had been irrecoverably alienated, and which, after having been sold for rum, or mortgaged for one-tenth of their value, had gradually become the property of publicans and usurers. To such a course, it was high time to put a stop; and the first attempt to do this was made under Sir Thomas Brisbane, by granting land to free British capitalists, on condition of their maintaining a proportionate number of assigned convict servants. The Colonial executive, in fact, was utterly unable to find employment for the large number of convicts whom they were obliged to maintain, and the mother country was exposed to an enormous expense, for which not the slightest return was made. Accordingly, when the influx of immigrants commenced in 1821, any respectable person who would pledge himself to government to maintain a certain number of convict servants, might obtain without further trouble a grant of one hundred acres of land for every convict servant he so undertook to maintain. The result of this experiment showed at once the defects of the policy which had been previously pursued respecting the convict population, and the

lamentable manner in which the resources of this territory had been neglected.

In a few years, so ready were capitalists to avail themselves of these advantages, the Colonial executive found, that so far from the maintenance of the convicts being a burden, they had not enough to supply the demand for labour created by the influx of employers. Shortly after the arrival of General Darling, there were, at one time, applications for more than two thousand convict servants, which the Superintendent was unable to satisfy.

These results, however, not only opened the eyes of government to their previous mismanagement of the prisoners, but suggested an important source of revenue, which should assist in developing the prodigious resources of the colony. It was found, that so long as both land and labour could be had for asking, there was no scarcity of applicants; and if the supply of labour could have been kept up, there can be no doubt that a very large proportion of the Crown lands would have been alienated, while government would have received nothing in return, save the indirect relief afforded by the maintenance of the convicts.

As, therefore, the Crown lands could not be occupied without a supply of labour, and as labour could not be procured without funds to defray the expense of its importation, it appeared both necessary and just that an immigration fund should

be raised in some way or other from those lands which the imported labour was to render available; and this necessity, in addition to the considerations before alluded to, arising from the ill-balanced state of the population, compelled the government to place some restrictions on the "free-grant" system, and to introduce the principle of sale.* This was attempted to be done in a government order issued on the 5th September, 1826, which defined the terms on which the Crown lands would thereafter be granted or disposed of.

Persons desirous of obtaining grants of land were directed to apply to the Colonial Secretary, and to present, for the satisfaction of the Governor, evidence of their respectability.

If the applicant was approved, he was then furnished with a letter to the Colonial Land Board, appointed by the Governor, whose business it was to enquire into the amount and nature of the applicant's capital, which might consist of money, imported stock, agricultural implements, half-pay, pensions, or annuities, or might be compounded of some or all of these kinds of capital. The

* "The object of the change of system introduced (in 1831) by Lord Ripon was, to remedy the great want of labour which was at that time complained of in the colony, by providing the pecuniary means of assisting emigration, and, at the same time preventing the undue dispersion of the emigrants."—*Despatch from Lord Glenelg to Sir George Gipps, No.* 176, *of the 9th August,* 1838.

object of government in instituting this inquiry was, to prevent persons obtaining more land than they could improve, and to prevent grantees disposing of their grants, a practice which was now made to incur the penalty of forfeiture. The Governor being satisfied of the *bonâ fide* character of the application, the Colonial Secretary furnished the applicant with a letter of recommendation to the Surveyor-General, from whom he received a written authority to search for land, " to the northward, from Cape Hawke, in a line due west to Wellington Valley, to the 33rd parallel of latitude, and thence due east to Campbell's River along its course to the southward, and so on to the latitude of Bateman's Bay." If the selection made were approved by the Governor, the applicant received a written authority from the Colonial Secretary to take possession, conditional, however, on the royal pleasure, which was necessary to render the grant valid. The tenure of the land so granted was in free and common socage, and at a quit-rent of five per cent. per annum, on the value of the land as fixed by the Land Board, payable *after* seven years authorized possession, the grantee being in the mean time bound to expend on the land one-fourth of its value, under penalty of forfeiture. The quit-rent might be redeemed by payment of twenty years purchase, within twenty-five years from the execution of the grant. The grant was to be in the proportion of one square mile for every five

hundred pounds of the applicant's capital, and was in no case to exceed two thousand five hundred and sixty acres, or four square miles. The personal residence on the land of the applicant, or a free overseer, was made an indispensable condition. The Crown also reserved the right of making roads and bridges, and of cutting timber and stone for public purposes. Other free grants were also made in consideration of *marriage* and of *military service*, under certain restrictions.

The above is an outline of what was called, "the free grant" system, which had existed, with various modifications, from the foundation of the colony. An attempt was made, however, though unsuccessfully, to introduce the principle of *sale*, in the following manner.

Persons who wished to purchase land were directed, by the same government notice of the 5th of September, 1826, to apply for leave, which having been obtained, the land selected was valued by the Land Board, and then put up for sale for one month, by proclamation, to be sold according to the royal instructions, at a value not less than that fixed by the Board. For the land, so advertised, sealed tenders were to be sent to the Colonial Secretary, and at the expiration of a month from the date of the proclamation, the tenders were to be opened in the presence of persons appointed by the Governor, and the land sold to the person making the highest tender, if approved by the Governor.

These lands also were to be held in free and common socage, at a yearly quit-rent of one pepper-corn. No person, however, was permitted to purchase more than nine thousand six hundred acres, or fifteen square miles, without a special order from the Secretary of State, and the personal residence of the purchaser, or of a free agent, was an indispensable condition.

The purchases made under this regulation, were, however, very limited, and the system was by no means satisfactory to the public; accordingly, by a government order of the 21st of August, 1828, it was announced, that, by instructions from the Secretary of State, the Crown lands would in future be disposed of by public auction, no person being admitted a bidder without the Governor's permission. Not a single sale took place under this arrangement; and, at length, by a subsequent order of the 17th of August, 1829, the former order was declared to be suspended, and the Crown lands were reserved from sale.

No further attempt was made by government to effect sales of Crown lands until the arrival of Major-General Bourke. Four months previously, however, (on the 1st of August, 1831) a government order was issued, announcing that, from that time, all Crown lands, not appropriated to public purposes, should, either directly by the government, or on special application, "be put up in lots of one square mile each, and in some particular

cases, in smaller lots, for sale by public auction, at a minimum upset price of "five shillings an acre, to be conveyed in fee-simple at a quit-rent of one peppercorn, subject to the road reserves, and to a reserve of all mines of coal and precious metals;" and all free persons were thenceforth permitted to purchase land to any extent whatever. These regulations were to apply to all lands within the limits open for selection, excepting town allotments, of which the minimum price varied from forty shillings to forty pounds an acre. With respect to some town allotments, in order to secure their speedy occupation by tradesmen, mechanics, and labourers, instead of being idly possessed by a few wealthy individuals, the purchase of such land was made conditional, on the erection within two years of a permanent building worth twenty pounds.

The mode of sale now adopted was found to give much greater satisfaction than the plans previously set forth, and large sales took place in consequence. The price fixed as the minimum, enabled the wool-growers to purchase large tracts of land, which were perfectly useless except for pastoral purposes, and which, in many cases, were valuable only as connecting one rich block of land with another. The withdrawal of all restrictions also operated favourably on the market, and for some years afterwards the sales proceeded rapidly and extensively. The colony rose in wealth and importance, and numbers of immigrants began to

arrive, the cost of whose transport was defrayed out of the Land Fund, which was thus called into existence.*

A subject of great importance now presents itself, to which it will be necessary to devote some space; viz.: the growth of the *squatting interest.* It must be borne in mind, that the lands open to the selection of purchasers were confined to those counties which had been surveyed by government, and which included a very small portion of the vast territory of New South Wales. To the westward and southward of these located districts, immense tracts lay altogether unoccupied—untrodden, save by the kangaroo, and the hardly more humanized Aboriginal. As the flocks and

* The following is a statement of the immigration which took place in the year 1832. Of immigrants who received no assistance from government, six hundred and seventy-nine men, two hundred and fifty-one women, two hundred and eighty-four children; total, twelve hundred and fourteen. Assistance was given by government in two ways; in the shape of an advance to tradesmen, with their wives and children, of whom four hundred and sixty-nine were thus enabled to emigrate in 1832, the amount advanced being £2759. But besides these advances, bounties to the amount of £2497. 6*s*. 9*d*. were paid for three hundred and twenty-one single women and two children, making a total for that year: of immigrants, two thousand and six; of sums paid, £5256. 6*s*. 9*d*. About the same number continued to arrive every year until 1837, when bounty immigration commenced on a more extensive plan. The number for 1836 was sixteen hundred and twenty-one.

herds of the settlers increased, the land which they had purchased within the boundaries was found inadequate to their support; and accordingly they were compelled to wander forth in search of more abundant pastures. These they readily found of boundless extent, and, in many parts, of great luxuriance; and the natural result has been that the flocks and herds of New South Wales wander over nearly half a million of square miles, and have increased to a degree which those who are unacquainted with its prodigious and peculiar resources find it difficult to believe possible. This occupation of the Crown lands without the boundaries, though not formally authorized by the authorities, was, nevertheless, connived at, because, in the first place, it would have been impossible to prevent it; and, in the second, it would have been impolitic to have attempted it, as the natural and only outlet for the fecundity of the sheep and cattle would have been closed, and the prosperity of the country effectually impeded. But, besides the flocks and herds belonging to the proprietors of land within the limits of location (*i. e.* the surveyed counties), vast numbers of cattle and sheep were depastured on these waste lands, which were the property, in some cases very dubiously acquired, of men who had no purchased land whatever, but who in the strict sense of the term were *squatters*. These men were too frequently of bad repute, many of them selling spirits privately, and harbouring

and encouraging bushrangers, and other desperate characters. Had the occupation beyond the limits been confined to the respectable proprietors within, government would have had less occasion to interfere; but the character of many of the squatters, and the necessity of obtaining some recognition of the title of the Crown, so as to render the future resumption of those lands easy, compelled Governor Bourke to give his attention to this subject.

It had for many years been customary to give to certain individuals, supposed to be of good character, "Tickets of Occupation," by virtue of which the holders were authorized temporarily to occupy unalienated lands of the Crown for grazing purposes. By a government notice of August 29th, 1826, all the tickets of occupation then in force were recalled, and it was announced: "that persons desirous of obtaining the temporary occupation of land for the purpose of grazing, would be required in future to pay a rent, at the rate of 20*s.* sterling, per annum, for every hundred acres; and further, to quit the same on receiving *six months* notice to that effect." A further notice was issued two years afterwards, by which settlers who held either by grant or purchase, were authorized "to occupy the unlocated Crown lands *immediately adjoining* their respective possessions, at a rent after the rate of 2*s.* 6*d.* per annum for every hundred acres;" it being, however, clearly to be understood, that government reserved to itself the right of disposing

of all lands occupied under this tenure, and to give possession of them to any other party, on giving *one month's* notice to the occupant. It is unnecessary to say, that abundance of occupiers were found on terms so easy as those proposed; but the resumption of the lands at a future period was not so easy. It was therefore found necessary, within twelve months from the date of the last-mentioned government notice, to provide by an Act of Council (10 Geo. IV. No. 6), "for the more effectual resumption of lands permitted to be occupied under the Crown, &c." The regulations of the 29th of August, 1826, and of the 16th of October, 1828, were revoked by a government notice of the 1st of August, 1831; and an extensive system of annual leases was introduced, under which the Crown lands were let by auction in sections of one square mile each, being put up at a minimum price of 20*s*. per section; the lands, however, being still open to purchase, and in the event of their being sold, to be surrendered by the lessee upon one month's notice. Subsequently, in the year 1841, *licenses* were granted in lieu of *leases*, but in a similar manner and on similar terms, and this system still exists *within the boundaries;* but it is to be feared that occasional instances of unauthorized occupation continue to occur, though the temptation is materially diminished. But if government found it difficult to prevent unauthorized occupation *within*, the case was a hundred-fold

worse beyond the boundaries, where no civil or military force existed, but where "every man did that which was right in his own eyes."

If, therefore, the government were to exercise any control over the extensive tracts referred to, the first obvious step was to establish some species of jurisdiction in and over them. With this view, the Act of Council (4 Gul. IV. No. 10) was passed, providing for the appointment of "Commissioners of Crown lands in the Colony of New South Wales," with power "to do and perform by, and under the direction of the Governor for, and on behalf of his Majesty, &c., in, upon, or in respect of any Crown lands in this colony, all such lawful acts, &c., for preventing intrusion, encroachment, and trespass thereon, or for such other purpose, as any bailiff or bailiffs, lawfully appointed, may by law do or perform, in, upon, or in respect of any lands, &c., of his, or their employer, or employers."

The commissioners were also empowered to make perambulations and surveys in any part of the colony, and to erect and maintain beacons and landmarks, of which the only object appears to have been to assert the title of the Crown, and to afford facilities for future and more regular surveys, when the land should in process of time be opened for sale.

That the "intrusion, encroachment and trespass," however, were not materially restrained by the commissioners thus appointed, is abundantly

evident from the despatch which Governor Bourke found it necessary to address, three years afterwards, to Lord Glenelg, then Secretary of State for the Colonies. This despatch is dated on the 10th October, 1835, and presents such a candid view of the question between the government and the squatters, that no apology is requisite for introducing a long extract.

It may be necessary to premise, that an official intimation had been received from the imperial government to the effect, that it was not desirable to allow the population to become more scattered than it then was, at the very time that an extensive and unauthorized occupation of a large portion of the district, now known as the Port Phillip district, by Mr. Batman and other individuals, had manifested to the colonial executive the futility of any measures for restraining such encroachments. In the previous year, Governor Bourke had made a personal excursion to Twofold Bay and the neighbouring country, and in the despatch just referred to, he thus writes:

"On the excursion alluded to, I found the greater part of the vast tract of fertile land lying between the county of St. Vincent and Twofold Bay, depastured by flocks and herds, attended by shepherds and stockmen; the pastures already contributing largely to the wealth of the colony, and exceeding in importance many of the districts where land is disposable by sale, or on lease. An

export of live stock from Twofold Bay to Van Diemen's Land had commenced, and is likely to increase, and a considerable supply of grain and other agricultural produce would, in all probability, be furnished from that district for the Sydney market, in the event of the land there being thrown open to purchase.

"Admitting, as every reasonable person must, that a certain degree of concentration is necessary for the advancement of wealth and civilization, and that it enables government to become at once efficient and economical, I cannot avoid perceiving the peculiarities which, in this colony, render it impolitic and even impossible to restrain dispersion within limits that would be expedient elsewhere. The wool of New South Wales forms at present, and is likely long to continue, its chief wealth. It is only by a free range over the wide expanse of native herbage which the colony affords, that the production of this staple article can be upheld, at its present rate of increase in quantity, a standard of value in quality. The proprietors of thousands of acres already find it necessary, equally with the poorer settlers, to send large flocks beyond the boundary of location to preserve them in health throughout the year. The colonists must otherwise restrain the increase, or endeavour to raise artificial food for their stock. Whilst nature presents all around an unlimited supply of the most wholesome nutriment, either course would

seem a perverse rejection of the bounty of Providence, and the latter would certainly require more labour than can at present be obtained in the colony, or immigration profitably supply. Independently of these powerful reasons for allowing dispersion, it is not to be disguised that the government is unable to prevent it. No adequate measures could be resorted to for the general, and permanent removal of intruders from waste lands, without incurring probably a greater expense than would be sufficient to extend a large share of the control and protection of government over the country they desire to occupy. One principal objection to dispersion thus becomes as powerful against its restraint.

"I do not, however, mean to admit the claim of every wanderer in search of pasture to the protection of a civil or military force. The question I would beg leave to submit is simply this:—How may this government turn to the best advantage a state of things which it cannot wholly interdict?"

It may be interesting to show, that the same view of the general question of squatting was taken at a later period by Sir George Gipps, who, in a memorandum, enclosed to Lord John Russell on the 19th December, 1840, thus writes:

"If the theory, by which it is sought to make persons cultivate lands in Australia in the natural order of their advantages, be altogether incapable

of good, that which would seek to prevent the dispersion of the people, is only incapable of mischief, because it is utterly impossible to reduce it to practice. As well might it be attempted to confine the Arabs of the Desert within a circle traced upon their sands, as to confine the graziers or wool-growers of New South Wales within any bounds that can possibly be assigned to them; and as certainly as the Arabs would be starved, so also would the flocks and herds of New South Wales, if they were so confined, and the prosperity of the country be at an end. The time will come, if the colony continue to prosper, when it may be more desirable, that is to say, profitable, for a proprietor to improve the land he holds, so as to make its produce suffice for his increasing flocks, than to seek, as is the present practice, for new lands in distant regions; but it may perhaps be wiser to let this time arrive naturally, as it will, than to attempt to accelerate it by any contrivances. The largest landholders of New South Wales have not land enough of their own for their flocks; there is scarcely a man of any property, who has not a cattle run, or a sheep-station beyond the boundaries, that is to say, upon the unalienated lands of the Crown."

In a subsequent despatch of 18th December, 1835, Governor Bourke observes:

"The subject (the unauthorized occupation of Crown lands) is under my serious consideration,

and I trust I shall be able to adopt some measure that may moderate the evil complained of, without putting a weapon into the hands of selfishness or oppression. I had been in frequent consultation with Mr. Burton* on the subject.... and I hope to make a project, submitted by him, the groundwork of a Regulation or Act of Council, adapted to the necessity of the case.... The most desirable plan appears to be, to let or license the land at a small rent."

The plan merely hinted at in this despatch was more fully developed in the Act of Council (7 Gul. IV. No. 4) which was passed on the 29th of July of the succeeding year, 1836. Under this Act, licences were issued for the occupation of waste Crown lands, without the boundaries, to such applicants only as were approved by the commissioners of Crown lands for the district in which the lands were which the applicant sought to occupy; and heavy penalties were attached to the occupation of lands without such licenses. Within the boundaries, occupation was defined to mean, residence, or the erection of some kind of building, or the cultivating any part of the land; and this kind of occupation of waste lands was altogether forbidden on similar penalties to those fixed for unlicensed occupation beyond the boundaries. By

* His Honour, Mr. Justice Burton, then one of the puisne judges of the Supreme Court of New South Wales, recently promoted to the bench at Madras.

an oversight, leaseholders were not excepted from this prohibition, but this was amended in the year 1838.

These regulations continued in force until the 1st of July, 1839, the second year of Sir George Gipps' administration. The trial, which the colonists had made of the licensing system, had proved satisfactory, and no stock-holder of any pretension to respectability attempted to occupy the waste lands of the Crown without procuring a license. Several serious outrages, however, committed by the Aborigines upon the stations of the settlers beyond the boundaries having led to retaliation, and a system of warfare having sprung up, likely to lead to the most disastrous results, involving probably the entire and sanguinary extinction of all the native tribes, government found it necessary to establish a police force beyond the boundaries, and to discourage, in the most explicit manner, the retaliatory outrages alluded to. Accordingly, in an extraordinary session of the Legislative Council, the Act (2 Vict. No. 27) was passed, by which the commissioners of Crown lands acting beyond the boundaries were all made magistrates of the territory, and invested with extensive powers of summary jurisdiction, and provision was made for the establishment of a border police, by an assessment on stock, of one halfpenny a head for sheep, three-halfpence for cattle, and threepence for horses. The Act also provided, that any licensed party,

"convicted on the oath of any one or more credible witness or witnesses, of any felony, or of illegally selling fermented or spirituous liquors, or of wilfully harbouring any convict or felon illegally at large, or of any malicious injury or offence committed upon or against any Aboriginal native,* or other person, &c. &c.," should thereupon be de-

* In reference to this subject, the following notice was published :—"Colonial Secretary's office, Sydney, 21st of May, 1839. His Excellency the Governor desires to draw the attention of owners of stock throughout the colony, and of the public in general, to the extensive powers which, by an Act passed in a recent extraordinary session of the Legislative Council (2 Vic. No. 27,) are now vested in the Commissioners of Lands acting beyond the boundaries of location, as well as to the fact that these commissioners are now magistrates of the territory; and, as one of the principal objects which the council had in view, in passing the Act referred to was to put a stop to the atrocities which have of late been so extensively committed beyond the boundaries, both by the Aborigines and on them, his Excellency deems the present a proper occasion to notify to the public, that he has received distinct instructions from her Majesty's government to cause an inquest or inquiry to be instituted, in every case, wherein any of the Aboriginal inhabitants may have come to a violent death, in consequence of a collision with the white men; and that his Excellency is determined to make no distinction in such cases, whether the aggressors, or parties injured be of one or the other race, or colour, but to bring all, as far as may be in his power, to equal and indiscriminate justice. As human beings partaking of our common nature—as the Aboriginal possessors of the soil from which the wealth of the country has been principally derived—and as subjects

clared to have forfeited his license; and if such party continued to occupy the lands, his cattle

of the Queen, whose authority extends over every part of New Holland,—the natives of this country have an equal right with the people of European origin to the protection and assistance of the law of England. To allow either to injure or oppress the other, or to permit the stronger to regard the weaker party as aliens with whom a war can exist, and against whom they may exercise belligerent rights, is not less inconsistent with the spirit of that law, than it is at variance with the dictates of justice and humanity. The duties of the Commissioners of Crown lands, in respect to the Aborigines, will be, to cultivate, at all times, an amicable intercourse with them, to assist them in obtaining redress for any wrong to which they may be exposed, and particularly to prevent any interference on the part of white men with their women. On the other hand, they will make known to them the penalties to which they become liable by any act of aggression on the persons or properties of the colonists. They will endeavour to induce the chiefs in their respective districts to make themselves responsible for the good conduct of their tribes, and they will use every means in their power to acquire such personal influence over them, as may either prevent aggression, or ensure the immediate surrender of the parties who may be guilty of it. His Excellency thinks it right further to inform the public, that each succeeding despatch from the Secretary of State, marks, in an increasing degree, the importance which her Majesty's government, and no less the Parliament, and the people of Great Britain, attach to the just and humane treatment of the Aborigines of this country; and to declare most earnestly and solemnly his deep conviction, that there is no subject or matter whatsoever, in which the interest, as well as the honour of the colonists are more essentially concerned"

might be driven off by the commissioner and impounded. Any improvements effected upon Crown land depastured under the authority of a license were declared to be at the risk of the party holding the same; such land whenever it might be deemed expedient to extend the boundaries of location, being liable to be put up to competition at public auction in the same manner as other unalienated Crown lands.

By an Act passed June 23, 1841, the former Act was continued for five years, certain amendments being made in the details to increase its practical efficiency. A proclamation, however, issued by order of his Excellency, on the 2nd of April, 1844, has had the effect of renewing the discussion of the whole question of squatting, as well as of the sales of land. To this latter subject it will now be necessary to return; and that the subject may be placed before the reader in an intelligible light, it will be proper to recur to the state of the colony during the earlier years of Sir Richard Bourke's administration.

It is admitted by almost every one, that during those years the colony was in a healthy state. Her commerce was rapidly increasing; the various enterprises pursued by the colonists proved advantageous; and could that state of things have continued,—if capital, which was rapidly flowing into the country, had been left to its natural channels, without being forced into circulation,—if

circumstances had not arisen, which gave a temporary and artificial value to colonial produce, the prosperity of the country might at this time have been established on so permanent a basis, that a monetary crisis, such as that which has lately occurred, must have been a matter rather of economical speculation, than of statistical reality.

The recent crisis, has, however, been so alarming in its character and extent, and so disastrous in its effects, that it cannot but be instructive to review those circumstances, which in any way have contributed to produce it. There appears scarcely any reasonable doubt, that the distress into which our affairs have been thrown, is in a great degree attributable to the cessation of the influx both of capital and population, and the consequent failure of the internal demand for consumable produce. But this cessation is distinctly traceable to the raising of the minimum price of land, and the consequent annihilation of the land revenue; and if it can be shown that this enhancement of price was a measure based upon deceptive facts and unsound principles, a most important conclusion will have been established.

If it can be shown, that the value of property preceding the first change of price had been falsely raised, nothing further will be requisite to show that the Imperial Government, in attempting to perpetuate this unnatural state of things by express regulations, acted under a false impression res-

pecting the sources from which permanent colonial prosperity must be derived?

The establishment of the Colony of South Australia was the first of those circumstances which may be mentioned, as having given a fictitious value to property in New South Wales. A full account of the settlement of this colony is not necessary in this place. It will be sufficient to remark here, that within a short period after the opening of the lands in that province to public competition, several thousand persons arrived on its shores, with a large amount of capital, either in money, bills, or merchandize. This capital they were unable immediately to employ in production, as the purchasers of land could not obtain possession until after tedious and lengthened delays; the only occupation of the labouring emigrant who had arrived there, being the erection of buildings on the ground appropriated for the site of Adelaide. During all this time, the colonists were obliged to import from the older colonies, a great variety of commodities, especially grain, cattle, sheep, horses, &c. The opening of this market proved a great stimulus to the enterprise of New South Wales, and to such an extent did our colonists avail themselves of it, that in our own market, wheat actually obtained thirty shillings a bushel, and sheep thirty shillings a head. While these prices could be procured, it is not surprising that speculators should have been found eager to purchase land, even mere

waste grazing land, at from three to four pounds an acre; and that arable land, if near a sea-port, should have readily obtained from eight to ten pounds. The price of everything, in fact, was as if South Australia, had been designed for ever to remain a consuming, instead of becoming a producing country,—an importer, instead of an exporter,—a dependent, instead of a rival.

There were, doubtless, other causes which combined with that just mentioned to excite speculation to an unnatural degree. An *apparently* boundless extent of land, at an *apparently* low minimum price, invited numerous British capitalists to our shores; who, without regarding the probable contingencies, vied with each other in adventure, so that the land office on a sale day, resembled some of the London Bubble offices of the last century, where patrician and plebeian trod on each other's heels in the general scramble for Fortunatus' Purse. The newly commenced system of immigration, also, appeared to render it probable that labour might be obtained to render the land available, and it was accordingly bought up greedily by the crowd of speculators, who were in general too eager to obtain a ticket in the lottery, to think of the possible blanks in the wheel.

Speculation being in this inflammatory state, another circumstance added fuel to the fire. Two banking companies, each with a capital of £750,000 were established in the colony; and large sums were

invested in mortgages, both by Indian and European capitalists. And as if that were not enough, the Treasury balances, which at this period amounted to a considerable sum,* were placed at interest in the banks, by whom, in order to make them profitable, they were disposed of in discounts and loans, thus creating an unnatural abundance of that which was already superabundant,—money. In the year 1837, however, Bounty Immigration was commenced on a larger scale; to defray the cost of which, the accumulated balances began to be withdrawn from the banks; and the banks in consequence were compelled to call in their loans. This contraction of the currency produced the first symptoms of that general and ruinous sacrifice of property which we have witnessed during the last three years.†

* The balance of general revenue remaining in the Treasury unappropriated on the 31st December, 1835, was £18,845. 2*s*. 7¼*d*. At the close of the year 1836, the disposable balance amounted to no less than £66,826. 8*s*. 5½*d*. The general revenue had, however, been aided by the unappropriated sum arising from Crown lands, and which amounted at the close of 1835, to £120,858. 15*s*. and at the close of 1836, to £126,034. 7*s*. 8*d*. In the year 1837, no part of the land revenue was transferred in aid of the general revenue, the amount of £44,731. 1*s*. 8½*d*. having been paid for the immigration of 2664 labourers; and the financial accounts of this year exhibited a great deficiency, the expenditure exceeding the receipts by £48,195. 12*s*. 3¼*d*.

† In the preparation of these remarks, the assistance derived

It would almost seem as if the imperial government had participated in the visions of wealth which had attracted so many speculators to this land of the south; for not satisfied with the price which had been obtained for land by active competition, Lord Glenelg in a despatch to Sir Richard Bourke, of date 15th February, 1837, called for a report on the expediency of raising the minimum price of land beyond five shillings an acre. The despatch enclosed copies of correspondence which had taken place between the Under Secretary of State for the Colonies, and the Colonization Commissioners for South Australia. The latter complained that a design existed to induce the labourers, sent out to South Australia at the cost of the purchasers of land in that colony, to migrate to the new settlement formed in the southern district of New South Wales. The sum of the complaint appears to be contained in the following extract:—

"If the lands on the south coast of New Holland, adjoining the new colony, be sold at five shillings per acre, or less, land of a similar quality in the new colony cannot be sold at twelve shillings per acre; and if the emigration fund created by the sale of land, throws into the new colony a more abundant supply of labour than

from a valuable paper by Edward Curr, Esq. of St. Hillier's near Melbourne, lately published in an Appendix to the Report from the Select Committee of the Legislative Council on Land grievances, 1844, is gladly acknowledged.

that which is given to Portland Bay, Western Port, and Port Phillip, the emigrant labourers sent out to the new colony, will be drawn off until throughout the settled districts of the southern coast, the supply and the price of labour shall be equalized."

To the alarms, rather querulously expressed, of the Colonization Commissioners, Sir George Grey was instructed to reply, that the fact of the upset price in the southern district of New South Wales being only five shillings, was not a matter of choice with the government, but of necessity. The reply proceeds:—

"In the remoter part of the vast regions comprised within the range of the Australian colonies, the power of the law is unavoidably feeble, when opposed by the predominant inclinations of any large body of the people. In such a country, unpopular regulations, unless supported by a force, either of police or soldiery irresistible and overwhelming, must become little more than a dead letter."

Sir George then refers to the occupation of a part of Port Phillip by Mr. Batman, in 1835, which has already been mentioned, as a case in illustration of the "triumph of popular feeling over positive law;" and proceeds to state the measures adopted by government "for arresting the progress of those unauthorized settlements."

"It would have been easy," he observes, "to

publish, at Port Phillip, a regulation fixing the same upset price of 12*s*., which had been fixed in South Australia; but to have made such a rule, would have been to insure the disappointing of every attempt to repress the growing evil. Port Phillip is part of the colony of New South Wales, and therefore fell naturally within the operation of the existing rule of that colony, which had fixed the price at 5*s*.; but even that price, had afforded an irresistible temptation to the unauthorized occupation of the soil. If Sir Richard Bourke had been instructed to consider that rule as applying, peremptorily and inflexibly, to the case of Port Phillip, he would have been destitute of any resource, in the highly probable contingency of the general refusal of the new community, to acquiesce in those terms. The Governor was, therefore, authorized to relax it, if he should find such relaxation indispensable, in order to arrest the evil of the unlicensed occupation of the newly explored territory, while he was to adhere to the spirit of the new regulation, which forbad the acquisition of any land in the colony, the title to which rested on no legal basis; it by no means follows that the upset price to be fixed in the first instance, is not hereafter to be increased; on the contrary, there is every reason to believe, that as the settlement advances, land will acquire a much higher value, and that the upset price will be consequently fixed at a proportionably higher rate."

"It cannot be imagined," adds Sir George, "that any one has embarked his capital in the South Australian colony, in such ignorance of the state of affairs in that part of the world, as not to have prepared himself for the competition of unauthorized occupants of the soil on the surface of that vast continent......." "The responsibility, therefore, rests on the colonists themselves."

To the despatch of Lord Glenelg, Sir Richard Bourke replied in a despatch, dated 6th of September, 1837, expressing a very strong opinion against the policy of raising the minimum price. Any augmentation, his Excellency considered, would, practically be of little importance, "competition being always active enough to secure a full price, exceeding, in general, that which any public officer entrusted with their valuation, would be likely to place upon them." "It is probable," he adds, "that the sale by auction, prescribed by the existing regulations, applies to each case the surest criterion of value of which it admits." After referring to the existence of the class of persons familiarly known as *land sharks*, as a proof of the vigorous spirit of competition prevalent at the government sales, his Excellency proceeds:—

"If it be objected that such an effective competition as I have described, arising from increased population and wealth, in itself indicates the necessity of raising the minimum price of 1837 over that of 1831, I would observe, that the Crown

lands now in the market form only a surplus—in many cases they may be justly called a refuse—consisting of lands which in past years were not saleable at any price, and were not sought after even as free grants. As improvement and population penetrate through the colony, such lands begin to acquire a value, and there is a stage in this process in which they are saleable at the present minimum price of 5*s*. By declining in future to dispose of them at this rate, it by no means follows that they will be sold at a higher. The result may be to retain them for an indefinite time unsold; such a result as your Lordship appears fully aware, is the more likely, or rather certain, in consequence of the alternative at the settler's command, of wandering without authority or restraint with his flocks and herds over the vast tracts of the interior. A facility in acquiring the actual property in land at a low price, is the safest check to this practice; and it may here be observed, that the unauthorized occupiers of remote Crown lands, do not wholly consist of small flock-owners of slender means; but of the agents and shepherds of the wealthiest colonists residing within the limits of location, who are continually balancing between the opposite motives presented by the cheapness of unauthorized occupation on the one hand, and the desire of adding to their permanent property in land on the other. The extent of their purchases at the government sales

corresponds with the prevalence of the latter motive; and it is easy to see that its influence must be weakened in proportion to the augmentation of the upset price.

But though I am convinced that in almost every case, the present value of land is obtained by means of the competition excited by public sales, yet it is possible that an augmentation of the minimum price would have the injurious effect of checking the immigration of persons possessed of small capital, desirous of establishing themselves upon land of their own. There are very few new comers who possess sufficient means to purchase at a price much above 5*s.*, the large tract of land which in this country is absolutely necessary, even for the commencement of an ordinary grazing establishment. Again, the inducement offered to retired officers to settle in the colony, by obtaining land at the minimum price, would be much diminished if that price were raised. These officers, both as regards number and character, are no small acquisition to the rural population of the colony.

Apprehending, therefore, that to raise the upset price of Crown lands would introduce much of the mischief I have represented; believing also, that the influence of competition is becoming daily a more certain safeguard against the sale of any land below its just value; considering further the general impolicy of meddling, without imperative

necessity, with any established system affecting so nearly the foundations of property, especially with one which has been found hitherto to operate so advantageously, I am unable to recommend any change in the minimum price at which Crown lands are, under the present regulations, offered to sale by public auction in New South Wales."

Sir Richard Bourke was spared the mortification of having to carry into effect any regulations opposed to the public-spirited, and enlightened views of the despatch just quoted. Early in the year 1838, he returned to England, having administered the affairs of the colony during a period of six years, with great vigour and efficiency. The public regret for his departure was deep and unaffected; nor was it much alleviated by the flattering reports which heralded the arrival of his successor. Whatever gratification may be derived from the anticipation of a new friendship, we are seldom disposed to indulge in it while our hearts mourn for the termination of an old one. In a colony, a change of Governors is a serious event; the circumstances of the mother country afford no parallel case. There, a change in the executive government seldom takes place except in obedience to the voice of Parliament, without whose confidence and support no government could exist for a single Session. But in a colony, even where a Representative Legislature exists, the tenure of office does not depend on the support of the

Legislature; the Governor may not be able to carry a single measure, and yet retain the control of the executive, nor would the operations of government be materially impeded, unless the supplies were stopped; the evil of which extreme measure would mainly fall, not on the officers of government, but on the colony. Such must ever be the case, so long as the mother country reserves all official appointments to herself, as a means of extending the patronage and influence of the Prime Minister. We colonists, in fact, are in the condition of the frogs of Æsop, being compelled to take such a King as Jupiter may choose to send us; we must beware of grumbling, if he send a log, lest haply he should send a stork. In the colony of New South Wales, in particular, the influence of a Governor is prodigious; and it is, therefore, a matter deeply interesting to us to know whether the opinions of the head of our executive, or rather of those who have placed him in that position, are favourable to the public views entertained by the majority of the colonists.

Such had, happily, been the case during the administration of Sir Richard Bourke; but his retirement, while so important a question as the minimum price of land remained unsettled, inspired the colonists with great alarm, lest our British rulers contemplated changes which would vitally affect their interests, and which the sound practical knowledge of the late Governor would not

permit him to sanction. He left us, long and painfully regretted; and while the humble monument which our poverty has permitted us to erect, is almost all that remains to keep alive within us the memory of his talents and of his virtues, it is to be feared that his own feelings must be, at best, of a mixed character. To a mind like his, animated by the purest benevolence, and distinguished by consummate sagacity, it cannot but be a source of regret, that his remonstrances failed to avert the calamities he foresaw, and that the land he loved so well, and for which he had laboured so anxiously, was sacrificed to a visionary and untried theory; while the only consolation remaining to him is, that while he was with us, he discharged his duty, and that in his absence he is spared the sight of the evil which has come upon us.

His Excellency Sir George Gipps, after having occupied himself during the first three months of his residence, in acquainting himself with the circumstances of the colony, called together a new Legislative Council on the 29th of May, 1838. In his opening address, however, not the slightest allusion was made to any projected changes in the existing regulations respecting the sale of land. And with respect to the licensing system, his Excellency thus expressed himself: "I am fully impressed with the importance, in this pastoral country, of giving every facility to the

occupation, under proper restrictions, of the vacant lands of the Crown, and I shall readily give my assent to any measure which, while it recognizes the rights of the Crown, may permit to the honest settler the occupation of these lands on easy terms, and at the same time exclude, as far as is possible, men of dissolute character, who now only seek to become occupiers of them for dishonest practices."

On the 16th of January, 1839, Sir George Gipps received instructions to raise the minimum price of Crown land from 5*s.* to 12*s.* per acre. The instructions were conveyed in a despatch, dated the 9th of August, 1838, in which Lord Glenelg gravely informs his Excellency, that "the time has now arrived when the interests of the colony (!) require that a considerably higher price should be affixed to land than that which was named by Lord Ripon as the minimum price in 1831, and which was clearly intended to be merely experimental." . . . . . . "So far," continues his Lordship, "as regards the encouragement of emigration, the measure has to a considerable degree succeeded; but the extent of land which has been sold, and the increasing want of labour, affords decisive proof that the check, which it was intended to impose on the undue dispersion of the inhabitants of the colony, has not been sufficient. It is only by raising the minimum price of land, or by restricting the

quantity offered for sale, that the end in view can be obtained; because in the present circumstances of the colony, though competition may determine the relative value of different allotments of land, while more is offered for sale than can be profitably occupied, it is obvious that the minimum price demanded by the government will determine the saleable value of land which has no peculiar advantages, either from its neighbourhood to a market, or from its natural fertility."

On receipt of these instructions, a government notice was immediately issued announcing the change; and it is unnecessary to remark, that the greatest dissatisfaction was exhibited on the part of the colonists, while his Excellency, who was charged with giving effect to the new regulation, found his position the very reverse of agreeable. The notice, as first issued, included all lands, whether previously advertised at a lower rate or not, his Excellency having understood Lord Glenelg's instructions as peremptory; but, as it subsequently appeared that the Lieutenant-Governor of Van Diemen's Land (Sir John Franklin) had taken a different view, a second notice was issued, announcing that the rise in the minimum price would not affect any lands previously advertised at a lower rate. The amount thus advertised amounted to not less than three hundred thousand acres. The effect produced

by the expected rise on the land sales is thus intimated by Sir George Gipps, in a despatch dated April 1, 1839, acknowledging the receipt of Lord Glenelg's instructions:—

"I have delayed writing to your Lordship on this subject, until I could report the effect which the expected rise (for it is as yet only an expected rise) in the minimum price of land has had upon our land sales. Two sales have taken place since the receipt of the order; one on the 13th February, the other on the 13th March. Abstracting from each sale the land which, on account of its superior situation or fertility, would have commanded a high price under any circumstances, I find that, on the 13th February, twenty one thousand eight hundred and seven acres of ordinary land, put up at 5*s.* per acre, sold for the sum of £6,827, being at the rate only of 6*s.* 3⅔*d.* per acre; and that, on the 13th March, fifty-four thousand three hundred and forty-eight acres sold for £14,118, or at the rate of only 5*s.* 2½*d.* per acre.

"These results would seem to show either that, in the present state of the Colony, the ordinary Lands of it are not worth more than 5*s.* per acre, or that there is, for the present, a determination on the part of the public not to give a higher price for it.

"These results are, however, I should observe, exclusive of Port Phillip, where fifteen thousand

five hundred and seventy-six acres were sold, on the 13th February, for £10,272, or at an average of 13*s.* 4¼*d.* per acre."

The principal effect of the change appears to have been to divert speculation from country lands to town allotments. During the whole year 1839, though it was known that the period within which lands would be put up at 5*s.* was approaching to a close, and though a considerable quantity of land was actually advertized at 12*s.*, the average price per acre obtained for country lands was 8*s.* 1¾*d.*; while that obtained for town allotments was £29. 0*s.* 11¼*d.* In Port Phillip, which had now become the great arena of land speculation, the following averages were obtained; viz: country lands, 31*s.* 11*d.*; town allotments, £137. 19*s.* The attractions of Port Phillip caused a prodigious influx of British capital, which was rapidly, and in most cases, ruinously invested in the purchase of land.* The imperial government

* "To what cause do you attribute the superior prices obtained at Port Phillip to those obtained for land in the located districts of New South Wales?"—"I do not consider the prices, realized for lands, sold at Port Phillip, as so extraordinarily high when fully considered. The impression in England, that Port Phillip is not a penal colony, taken together with what I consider the very exaggerated statements made to the Transportation Committee, induced many persons of large capital to give Port Phillip a preference. Taking the proximity of Van Diemen's Land, and its limited territory into consideration,

seem, however, to have shut their eyes to the future, and to have thought only of the golden eggs without regard to the life of the goose; for before Sir George Gipps' report on the first change had reached Downing Street, we find fresh instructions on their way from the Marquis of Normanby, who had succeeded Lord Glenelg in the Colonial Office. "I have not yet," says his Lordship, "received from you any report on the subject; but in the mean time it appears to me to be desirable, as Port Phillip is so attractive to settlers, to place the highest minimum price on land there, which may be compatible with the objects contemplated in my predecessor's despatch."

Before the middle of the succeeding year, the purchase of country lands was almost suspended, while the rage for town allotments increased.*

the capitalists of both colonies have been brought into competition with those from England; and the competition has been confined to either a comparatively small area of incalculable value, from its proximity to a sea-port, the geographical and commercial capabilities of which are not second even to Sydney. Again, it must be remembered, that all the corresponding and most desirable sites in the older colonies were long since granted to the early settlers."—*Evidence of P. L. Campbell, Esq., Acting-Colonial Treasurer, before Immigration Committee, Question* 80, *July* 28, 1840.

* Town allotments in Sydney have been sometimes sold for enormous sums. At the corner of George and

In the year 1840, the average price obtained for town allotments in the older parts of the colony was £69. 3*s*. 7¾*d*. per acre; and in Port Phillip the average was £487. 16*s*. 2*d*. per acre; whilst it is a fact, that in the month of June of the same year, "Twenty-nine thousand acres of, perhaps, the finest land in New Holland, and in the immediate vicinity of Melbourne, Port Phillip, put up at 12*s*. an acre, was not bid for."*

Bridge Streets, a plot containing sixteen hundred and thirty two superficial feet was sold, on the 28th February, 1834, for £680, or at the rate of £18,150 per acre. In the same year, at the corner of King and George Streets, 2205¾ superficial feet sold at £55. 10*s*. per foot of frontage, or at the rate of £27,928 per acre. On the 15th August, 1839, a plot of six perches was sold for £413, without competition. In 1840, one small allotment was sold at the enormous rate of £40,000 per acre. Scarcely any Crown land remains to be disposed of in Sydney, and the sales alluded to in the text were chiefly effected in the more recent towns.

* The following passages throw much light on the subject. *Evidence of P. L. Campbell, Esq., &c. Question* 30.—"Do you think that the increased minimum price put upon town allotments, has had a similar effect upon the sale of such allotments?"—"Certainly not; and one reason is, that the great scarcity of labour, and the increased minimum price of the pasturage lands, has made persons fearful of purchasing stock; they have, therefore, invested their money extensively in the purchase of town allotments."

Question 10.—"Including (query *excluding?*) Port

The imperial government were determined, however, to proceed still further. On the 10th of January, 1840, a Board of Commissioners was appointed by her Majesty for superintending the sale and settlement of the waste lands of the Crown in the British colonies, and the conveyance

Phillip, do you think there is a reasonable prospect that the sales of land, within the old limits of location, will produce a sufficient sum for the purposes of emigration?" —"Most certainly not, or, indeed, anything near it. From the system hitherto pursued in the colony—first by granting, and next by selling only the lands applied for, the best part of the tracts, and the command of the water-courses, have been disposed of; consequently, there are large tracts of country of no use to any but particular individuals, and hence of no value, except what they derive from the estate to which they adjoin. Were these brought fairly within the means of the persons to whom alone they are of use, at a reasonable rate, a considerable revenue might be raised. The average value of these lands, however, I should say to be less than 5*s.* an acre."

Question 16.—"What is your opinion as to the effect of this system (the Licensed Squatting system) in checking the sale, and probably curtailing the receipts of the Land Revenue?"—"In the first instance, it diminishes the extent of sales of Crown lands within the present limits; but ultimately, the Land Revenues are enriched by it. Because I am satisfied that the permission to occupy lands beyond the boundaries has enriched, and will enrich, a large number of persons—particularly those who have arrived with small capital—it enables them ultimately to purchase land, and has, in a great measure produced the large sums which have been paid for lands in the towns."

of emigrants thither, under the title of "the Colonial Land and Emigration Board;" and on the 5th of December following, Sir George Gipps communicated to the Legislative Council that he had received an Additional Instruction, under the royal signet and sign manual, dated May 23, 1840, and therewith a despatch from the Secretary of State for the Colonies, dated May 31, 1840, containing directions, issued on the recommendation of the Colonial Land and Emigration Board; in pursuance of which, the territory of New South Wales was, for all purposes connected with the disposal of land, divided into three distinct portions or districts, under the names of the Northern, the Middle or Sydney, and the Southern or Port Phillip districts.

With respect to the Middle district, no change was proposed by those instructions. But in the Southern district, the following system was to be adopted, and extended, after a time, to the Northern district:—All country lands not required for public purposes, except certain allotments, (for public works, &c., &c.,) were, after survey, to be open to purchase, in certain lots, *at one uniform price*, then fixed at a pound an acre. Purchases were to be made at the Land Office, and the money paid into the local treasury of the district. Purchasers, however, from the United Kingdom, were allowed to deposit money with the Colonial Agent-General, and became thereupon entitled to an order from

the commissioners, giving them credit for land in a corresponding sum; and such purchasers were allowed to bring out to the colony a proportionate number of bounty labourers.

No sooner were these regulations made known, than a motion was made in the Legislative Council by the Lord Bishop of Australia, that a petition should be forwarded from the Council to her Majesty, praying that the boundaries assigned to the Middle district might be re-considered, the petitioners entertaining fears, that, in the event of the Northern and Southern districts being erected (as was apparently intended) into separate colonies, the interests of the Middle district would be materially and prejudicially affected. Alarm was also entertained by the holders of depasturing licenses beyond the boundaries, that the system of disposing of the Crown lands at a uniform price might render them liable to be dispossessed at a moment's warning. It was true, that the squatters had never been led to suppose that their tenure was of a permanent character; they had always been aware, that, at some future time, they must either relinquish or purchase them; but, at the same time, they had also been led to hope, that they would receive some reasonable notice of the intention of government to dispossess them—that the lands would be opened gradually by government, and not brought into the market at the caprice of individuals—and that, under any cir-

cumstances, they would have a fair chance with others of purchasing at a public auction. The importance of the body from whom this complaint emanated may be estimated from the fact that the sheep and cattle depastured beyond the boundaries are the chief source of colonial wealth. "The quantity of cattle," says Sir George Gipps, in a despatch of December 19, 1840, "depastured beyond the boundaries of location, or beyond what may be called the shireland of New South Wales, was, on the 31st of December, 1839, 371,699 horned cattle; 1,334,593 sheep; 7,088 horses; and the number of persons of European origin, employed in herding or tending of the same, was 7,287."

In transmitting the petition of the Legislative Council to the Queen, his Excellency forwarded at the same time, a "Memorandum on the disposal of lands in the Australian Provinces," which is perhaps, one of the ablest papers on the subject. In this memorandum, Sir George combated the doctrine of a uniform fixed price, which he showed to be a highly impolitic method of disposing of the lands of the Crown, as it not only deprived the revenue of the benefit of competition, but appeared calculated to produce the greatest confusion. A very masterly despatch was also forwarded by his Excellency on the 1st of February following, deprecating the establishment of three separate Land Funds in the same colony.

The representations of the colonists on this occasion were not fruitlessly made. And it happened fortunately, that, at the very time those representations were on their way to Downing Street, the affairs of South Australia (from the colonization commissioners of which colony the notion of a uniform price was borrowed) engaged the attention of a select committee of the House of Commons. The report of that committee tended to confirm the views of Sir George Gipps, and the result was, that Additional Instructions, dated August 21, 1841, were issued, revoking the former instructions, and restoring the system of sales by auction throughout the whole of the colony. A clause, however, was added, giving power to any person to purchase, at a future time, and at the upset price, lands which had been put up to auction and not sold; provided, that the same lands had not, in the mean time, been again advertised by the Governor.

But whatever hopes the colonists might have formed, from the deference to their representations shown on this occasion by her Majesty's government, were destined to be of short continuance. Shortly after the date of the Additional Instructions just mentioned, the reader will doubtless recollect that Sir Robert Peel received her Majesty's commands for the formation of a new administration; and Lord Stanley, who had filled the office of Secretary for the Colonies, in the earlier part

of Lord Melbourne's government, was now requested to resume his important duties.

In a despatch to Sir George Gipps, of the 18th of October, 1841, Lord Stanley transmitted a report of the Colonial Land and Emigration Commissioners, containing various recommendations explanatory of the royal instructions of the 21st of August. His Lordship also intimated his intention of submitting to Parliament a measure for the regulation of the sale of land in the Australian colonies generally; and, in the meantime, left it to his Excellency's discretion to fix the upset price of lands, not in the Port Phillip district, at any sum not under 12*s.* per acre, accompanying that permission, however, with a strong expression of opinion, that in the majority of cases, 20*s.* might fairly and safely be assigned.

"In the Port Phillip district," said his Lordship, "you will not consider yourself authorised to reduce the upset price below 20*s.*; and, in speaking of that district, you will understand me to include the whole of the land bounded by a line drawn from Cape Howe along the south-west boundary of the Maneroo district to the head of the Murray, and thence along the Murray to the frontier of South Australia."

No further intimations were received from the imperial government on the subject of the sale of lands until early in the year 1843, when the famous Act (5 and 6 Vict. c. 36) arrived in the

colony, confirming the hints conveyed in Lord Stanley's former despatch, and fixing the minimum price of all Crown lands at 20*s.* an acre. The History of the Land Revenue closes with the arrival of this Act; and, perhaps, before proceeding to other matters, this may be the most convenient place for presenting a tabular view of "its rise and fall."

RETURN of the AMOUNTS received from the SALE of CROWN LANDS in the colony of New South Wales, including the district of Port Phillip, from the year 1824 to 1842 inclusive.*

YEAR.		AMOUNT.	
	£	*s.*	*d.*
1824 . . .	279	17	9½
1825 . . .	5,548	14	10
1826 . . .	2,596	2	6
1827 . . .	2,274	11	7
1828 . . .	5,004	19	2
1829 . . .	2,710	15	0
1830 . . .	943	5	10
1831 . . .	2,597	1	10
1832† . . .	12,509	13	10
1833 . . .	24,956	1	1
1834 . . .	41,844	9	1
1835 . . .	80,784	14	6

* Vide Votes and Proceedings of Legislative Council, 1843, p. 458.

† In the year 1832, it will be remembered that the system of sale by auction, at a minimum price of 5*s.* an acre, first came into operation.

YEAR.		AMOUNT.		
		£	s.	d.
1836	. . .	126,458	16	0
1837	. . .	120,427	0	5
1838	. . .	116,324	18	11
1839*	. . .	152,962	16	4
1840	. . .	316,626	7	5
1841	. . .	90,387	16	10
1842	. . .	14,574	10	4
Grand total	. . .	£1,119,812	13	3½

The Act (5 and 6 Vict. c. 36) was intended to establish the system of selling land in the Australian colonies on a permanent principle; and, with this object, her Majesty was advised to relinquish her prerogative in the disposal of land, and to transfer the whole responsibility to Parliament, thus affording a guarantee "for stability and consistency of purpose." In this respect, it cannot be doubted

* In the year 1839, the minimum price was raised to 12*s.* an acre. It will be perceived, that in the two years preceding, a slight diminution in the proceeds took place. In explanation of this, it may be mentioned that the best lands had been disposed of, and those which remained were chiefly valuable on account of their connection with other estates. The rise in the price produced a mania for town allotments, which was at its height in 1840, the land revenue for which year more than doubled that of any previous year. Of course the chief sales for these latter years were effected in the Port Phillip district.

The return of land sales for 1843 had not been procured when the above table was prepared. The amount exhibited a considerable decrease on the preceding year, being only £11,297. 3*s.* 9*d.*

that a change was made for the better; and the same remark may be applied to many of the provisions of the Act, which is drawn up with great care. But the grand legislative blunder consisted in the enactment, "that no waste land of the Crown shall ever be sold at less than 20*s.* an acre." By means of this provision, the Act has been rendered abortive, and the clauses determining the mode in which the land revenue should be appropriated, appear, if a homely comparison may be admitted, not slightly to resemble the calculations of a farmer's wife on the number of her unhatched chickens.

The grounds on which the pound-an-acre system was adopted, are thus stated by Lord Stanley in his despatch to Sir George Gipps, of September 15, 1842, accompanying the Act of Parliament:—

"In fixing this sum, her Majesty's government have not proceeded on the assumption that the whole of the land in the colony under your government, which may be profitably occupied, would, if offered for sale, realize, or is worth, at the present moment, that price; they are aware that there are large tracts now occupied for grazing purposes of a value inferior to the standard thus adopted; and by the provisions of the 17th section, care has been taken to relieve you from the necessity of attempting to force sales of such land, by enabling you to draw a revenue from its permissive occupation;

nor is it to such tracts only that her Majesty's government are aware the price of 20*s.* per acre is at present inapplicable. They are conscious that the same observation would apply to many portions of the more settled and richer districts. These circumstances, however, do not appear to them to militate against the course they have taken on this subject; on the contrary, they consider it desirable that the more fertile and valuable portions of land in the colony should be first brought into cultivation, trusting to the operation of progressive settlement, to render saleable hereafter many qualities of land not at present of a marketable value."

In the year 1843, the colony of New South Wales received a new Constitution, the element of representation being admitted into her legislature. To an analysis of the proceedings of the new Legislative Council a future section will be devoted; and as the questions connected with the sale and occupation of Crown lands will necessarily come under review during that analysis, the further discussion of those subjects will for the present be suspended, as there are other very important questions whose history it is desirable to bring up to the same point.

SECTION III.

IMMIGRATION.

THE subject of immigration is so intimately connected with the prosperity of colonies in general, and occupies so prominent a place in the History of New South Wales during the last thirteen years, that it becomes entitled to a large share of attention. An account of the various methods which have been successively pursued, with the design of replenishing this portion of the earth with an industrious and virtuous population, and of the causes which have impeded the full and satisfactory accomplishment of that design, will form an essential, and, it is hoped, not the least acceptable portion of the present work. The enquiries connected with the subject will be grateful to the historian, who cannot fail to trace with interest the development of a principle, capable of producing such important results to the land of his adoption; and it may be supposed, that the reader also will feel it a relief to pass from the consideration of intricate questions of revenue, to details which admit of being presented in a more narrative form.

The successive reports of the committees on immigration appointed by the Legislative Council, with the minutes of evidence, and the various documents printed by authority of government,

are the authentic sources from which information has been derived.

It will have been gathered from the preceding pages, that the subject of immigration was forced upon the attention of the colonial government by two circumstances,—the disproportion of the sexes, and the failure of the convict-assignment system in supplying the demand for labour, thus retarding the development of the resources of the country. To restore the balance of the sexes was an object of the highest importance to the moral advancement of the colony; while, in the peopling and consequent subjugation of the vast and pathless wilds of Australia, the political economist recognized the elements of future commercial greatness. On both these grounds, the colonists anticipated the most beneficial results from immigration; while the population of the mother country, in the year 1830, had increased to such an extent, and the agricultural districts, in consequence, suffered such severe depression, that the imperial government were fully prepared to adopt measures, which would not only further the views of the colonists, but would also relieve the parishes of Great Britain from a burden, rapidly becoming intolerable.

In the early part of the year 1831, the Earl of Ripon, then Viscount Goderich, Secretary of State for the Colonies, directed the attention of Governor Darling to the subject, and called for a

report upon "the means which the colony might possess of contributing towards the expenses of the contemplated measure," that is, "of relieving the distress prevailing among the agricultural labourers in the south of England, by enabling the parishes to remove those who were out of employment to the colonies." It was suggested by his Lordship, that, by an extended system of land sales, by a tax upon convict labour, and by the aid of advances from settlers whose demand for labour was most urgent, the required means might be found.

As inducements to the settlers to assist in promoting the objects of government, not only were the services of the emigrants to be secured to them for a definite period, but an abatement was offered from the quit-rents reserved upon their lands, in proportion to the number of labourers whom they might enable to emigrate.

The great distance of Australia, however, formed an obstacle of serious magnitude; and it was necessary to devise means for overcoming it, as the parishes naturally preferred sending their surplus population to North America, which was within one-fifth of the distance. It was, therefore, proposed by the Secretary of State, that a portion of the revenue arising from the sales of land in New South Wales and Van Diemen's Land, should be advanced by way of loan to female emigrants to these colonies, to assist them in paying for

their passage. It subsequently appeared that the amount available for the ensuing year was estimated at £10,000; and the appropriation of this sum in the way proposed was sanctioned by the Lords of the Treasury.

A commission was appointed in June 1831, to carry the above measure into effect. The commissioners exerted themselves in diffusing information among persons who might desire to emigrate, and received applications. One half of the passage money was to be advanced to each female, the emigrant herself being required to make up the remainder, and a preference was to be given to such as emigrated in company with their families.

In consequence of several applications, the commissioners were also authorized to advance loans to a limited number of mechanics; these advances to be provided out of the fund proposed to be raised by a tax on convict-servants. These loans were at first limited to £20 for each family; but such was the success which attended the scheme, that the commissioners, before they retired from their labours, recommended to the Secretary of State, that advances should also be made to agricultural labourers, and that the amounts advanced should be increased. The commission was dissolved in August, 1832, and a committee of private gentlemen was appointed in London to

manage the business of emigration. In Ireland, the executive, of that country directed the emigration.

The London committee published in 1834 a report of their proceedings since their appointment, to which they added various recommendations for rendering their future operations more effectual. In that report, the committee stated, that they had not found the system of loans to work so well as they had anticipated; they had "found in numerous instances, much reluctance on the part of respectable women and their connections to come under a liability for their passage payable in the colony." This reluctance is thus explained by the report: "Many of them cannot be disabused of the idea that they thus expose themselves to coercion, and to a state of compulsory service until the stipulated payment has been made," and, "such is the peculiar feeling and apprehension existing on this point, that many have relinquished the desire of emigrating altogether."

For this reason, as well as on account of the probable difficulty of recovering the advances from such as might be disposed to evade, or unable to make payment, the committee recommended that a "free passage should be given to all such females between the ages of fifteen and thirty, as should be ascertained to be fit subjects for emigration."

Having thus briefly sketched the plan on which bounty immigration first commenced, and noticed the machinery employed in the mother country to give effect to the intention of government, it will be proper to inquire, how far the immigration effected was beneficial? A select committee of the Legislative Council* was appointed in 1835 to examine into this subject, and to report on the best means of introducing into the colony persons of both sexes, of moral character and industrious habits. From the report of that committee, it appears, that since the appropriation of the funds arising from the sale of Crown lands to immigration purposes, two thousand eight hundred and forty eight persons had received aid from government up to June 1835, and that the sum expended amounted to £27,318. 16*s.* 9*d*; making an annual average of about eight hundred emigrants, and £8000 expenditure, or £10 to each person.

No sooner had it been known in the colony that emigrants might be expected, than a committee of gentlemen was formed, consisting of the Archdeacon (now the Lord Bishop) of Australia, the Colonial Secretary and Treasurer, and the Collector of Internal Revenue, for the purpose of affording assistance to the emigrants, and disbursing the payments of government.

* This committee consisted of Chief Justice Forbes, Lieut.-Colonel Snodgrass, Mr. Lithgow, Mr. R. Jones, and Mr. Blaxland.

A committee of ladies was also formed to receive applications for domestic servants, and to enable the expected emigrants to obtain situations. Temporary places were also prepared for their reception, and every precaution taken which prudence could suggest to ensure the success of the project, on which the public anxiety had been so long and so anxiously fixed. But, notwithstanding all the efforts which were made at home and in the colony, it was found, that, though a considerable number of useful persons had been brought out, the operation of the system had not by any means answered the expectations of its originators. Not only had the immigrants failed in repaying the advances made, but their character (especially that of the females) had in many cases proved such as entirely to frustrate the objects of government. The amount advanced by way of loan up to the 30th of June, 1835, amounted in all to £9,745, of which £7,670 had been advanced to male emigrants, and the balance of £2,075 to unmarried females. It appeared, however, from the evidence of William Macpherson, Esq. Collector of Internal Revenue, that, though he was in possession of promissory notes, or warrants of attorney, from three hundred and seventy-eight male emigrants, covering nearly the whole of the above sum of £7,670, only £167. 3*s*. 2*d*. in all had been paid; while of the sum advanced to unmarried females, and for a great part of which promissory notes had likewise been given, not one

farthing had been received. Mr. Macpherson was instructed to proceed against the defaulters, but many circumstances opposed the success of the plan. The promissory notes having been executed in England, the signatures could not, in many instances, be proved. The debtors, also, were dispersed throughout the colony, many of them having even gone to Van Diemen's Land, New Zealand, and other places, beyond the jurisdiction of the courts.

In addition to these circumstances, many of the females were under age, and could not be sued at law. Mr. Macpherson, therefore, had suggested that it would be better not to attempt to enforce claims, which could with difficulty be established, and the proceedings connected with which must have an injurious effect on future emigration to the colony.

With regard to the character of the female emigrants introduced under these regulations, it was very soon discovered, that the London committee had been most grossly deceived, and that a large portion of the single females who had received assistance from government were of the lowest class, the mere sweepings of the streets of London, and the towns where they had embarked. In one ship, the 'David Scott,' two hundred and twenty-six females had come out; and the following extracts from the evidence of Mr. Marshall, R.N., the superintendent of the ship, appear conclusive as

to the extent of the deception which had been practised :—"I became acquainted," says Mr. Marshall, "in some measure with the mode in which they were selected. It was the professed object of the committee to obtain them from all parts of England, particularly from the agricultural counties; but I believe, *in point of fact, very few were from the country*; what I mean is, agricultural people from country villages. The great majority were of the class *of servant women out of place from large towns*. I feel myself qualified to speak with confidence on the subject, and it is my opinion that there were not more than twenty-five that I would consider suited for country servants." Mr. M. further states, that, the 'David Scott', being a very large ship, and requiring fifty men to navigate her, the men "were not only less under control, but they actually braved any command of the persons on board in authority, and boldly avowed their determination not to allow the women to be interfered with in any way whatever. *They, consequently, had an unrestrained intercourse with them during the voyage.* I do not allude, of course, to the whole of the women, but to upwards of forty of them, whose abandoned and outrageous conduct kept the ship in a continual state of alarm during the whole passage."

After reading such statements as these, how is it possible to understand what Mr. Marshall states

in another part of his evidence? "Every woman that was embarked was obliged to appear personally before the committee, *and to produce a certificate of good moral character* from two respectable housekeepers, or the minister of the parish." "I know, also, that the committee *personally questioned every female* for the purpose of ascertaining her *age, occupation, and qualifications in other respects* for the colony." Either the powers of dissimulation possessed by abandoned females of the lowest grade must be very great indeed, and must have been well backed by forgery, or the gentlemen of the London committee must have been marvellously unskilled in discriminating character. To whatever cause, however, the failure of the scheme was to be attributed, the Immigration Committee of the Legislative Council came to the conclusion "that there is an inherent difficulty in the original plan—a difficulty bordering upon impossibility of procuring the emigration of single females, combining all the requisite qualifications of moral character and useful acquirements, such as alone would render their accession of real advantage to the colony."

After these extracts, it is only necessary to quote a single sentence from the evidence of Alexander McLeay, Esq., the Colonial Secretary:—"I consider the females by the 'David Scott' to be the *best* of those from England." Mr. McLeay also states:—"I consider, that of all the ships, *there was the*

greatest portion of well-conducted women by 'The Duchess of Northumberland,' from Ireland;" yet, in the evidence of James Eckford, Esq., surgeon superintendent of that ship, the following passages occur: "To disclose a plain unvarnished tale respecting the female emigrants by the 'Duchess of Northumberland' would be too tedious, and, perhaps, not altogether beneficial in its results." "There were some sent out by the government of Ireland, whose characters the committee had not an opportunity of ascertaining; and who generally were not so well conducted as the rest."

Under these circumstances, it became a question in the colony, whether it would be wise to seek for repayment of the loans already advanced, and whether this system should be for the future discontinued? With regard to the past, the general impression was, that any attempt to enforce these claims, would only defeat the object in view; for though some portion, doubtless, might be recovered, the remainder, as certainly, could not; and as none but the industrious were in circumstances to pay, it seemed hard that the demand should be enforced against them, while the idle and dissipated escaped. But, independently of this difficulty, the system itself appeared open to very cogent objections. However just it might appear in the abstract, that the expense of the emigrant's passage should be defrayed out of his earnings in the colony, the plan had been found to cast so many obstacles in the way of

emigration, in addition to those already existing, that there remained no longer any likelihood of its being eventually successful. The preference given to North America by the rural parishes, on account of its proximity, was decidedly unfavourable to Australia; and when the prejudice which existed on account of the penal character of this colony was taken into consideration, it became obvious, that, instead of presenting any new difficulties to those who might be disposed to emigrate, some advantages should rather be offered to counterbalance the difficulties which already existed.

It was found that the average price of a passage to Quebec or New Brunswick was only £5, and that the wages of mechanics and labourers were fully equal to those which could be offered in this colony, to which the average passage money was £16. In order, therefore, to induce respectable individuals to emigrate to Australia, it was not only necessary to make up this difference, but, by additional bounties, to endeavour to vanquish the existing prejudices. In the opinion of the committee of the Legislative Council, the most efficacious mode in which a bounty could be applied, was to provide the emigrants with an entirely free passage, and to afford them gratuitous assistance in obtaining employment immediately on their arrival.

"Considering," says the report, "the great number of persons of all trades and qualifications in the United Kingdom ready to emigrate, and

only wanting means, and the comparatively small proportion required for this colony, your committee cannot but feel the fullest confidence, that by a well-conducted plan of selection, a most valuable class of moral and industrious persons might be obtained; a connection through their means would thus be formed; the tide of healthy emigration, being once directed towards this fine country, would continue freely and unceasingly to flow; its healthy climate, fertile soil, varied productions, and vast resources, would be duly represented and appreciated, and no other bounty than itself would be necessary to invite an ample supply of emigrants to come and settle themselves on its shores."

With regard to the emigration of single women, it is unnecessary to say, that the result of the experiments which had been made had convinced the colonists that a total change of system was necessary. At the same time, the disproportion which continued to exist between the sexes, being in 1835, nearly three males to one female, rendered it necessary that something should be done to correct the evil. For it will at once be understood by the social economist, that independently of the more revolting crimes which stained our records, and which were mainly attributable to the unnatural condition in which the negligence of the imperial government had left us, it was impossible that the main object—the raising the character of the population by providing virtuous homes for the operative

classes—could ever be accomplished, if the immigration of females were discontinued.

But it had been found almost an impossibility to induce young females of respectability to embark on a distant voyage, to leave their homes, and entrust themselves to strangers; and it had also been found that the dangers and temptations which assail an unprotected female, both on her passage and after her arrival, were such as to make the exposure of any female, even with her own consent, to those trials, a matter of more than dubious propriety. These considerations induced the Committee of the Legislative Council to recommend that the selection of this class of emigrants should in future be confined to such young women as were attached to some family, under whose authority they would be during the voyage, and who would be responsible for their maintenance, after their arrival, until provided with reputable occupation or settlement in life.

The machinery by which immigration was in future to be carried on, was also a subject of much discussion. Some were of opinion, that the whole business should be left to private enterprize, government only interfering to secure conformity to the general regulations, and to see that the emigrants were suited to the general requirements of the colony. Others, however, thought that government should reserve to itself the entire management of the matter. After much deliberation, there appeared no reason why both

of these modes should not be in operation together. It was merely necessary, in order to prevent any disappointment to individuals, that government should publish from year to year, a statement of the funds available for immigration, and require parties who might be disposed to engage in the business to give in a notification of the number and description of persons on account of whom they intended to claim bounties. With regard to the ships employed, the Select Committee recommended that they should not exceed from 300 to 500 tons, and that they should be "temperance ships." A desire was also expressed, that surgeons of the Royal Navy might be engaged, under sanction of the Lords of the Admiralty, on the same terms as they were employed in convict ships sent to the colony. The concluding passage of the report of 1835, contains an exposition of the principle on which the colonists claimed the proceeds of Crown lands exclusively for immigration, the conciseness and perspicuity of which warrant its insertion in this place.

"The first emigrants were induced to embark their fortunes in this distant colony under the promise of receiving free grants of land, and in the confidence that the same policy would be continued as the best means of settling the country. If it has since been deemed expedient to sell the lands in lieu of granting them as before, it is considered by the inhabitants merely as the conversion of capital into another form, and that

the proceeds of the sale of land should still be applied to the same purposes as the land itself. If there be any justice in this argument, it derives force from the circumstance, that this colony is made the receptacle for the outcasts of the United Kingdom, and is consequently loaded with a vast disproportion of immoral persons. That the colonists have derived many advantages from the transportation of convicts cannot be denied; but the system has brought with it a long train of moral evils, which can only be counteracted by an extensive introduction of free and virtuous inhabitants; and the only means upon which the colonists can safely rely for accomplishing this vital object is the revenue arising from the sale of lands.

"It is for these reasons that your Committee are anxious to record their opinion, as well as that of the whole community of the colony, that the funds arising from the sale of lands should be appropriated exclusively to the purpose of introducing a moral and industrious population; that they consider this appropriation alike indispensable to the present interests, and the future prosperity and character of the colony; and that they regard the opinion expressed by the Secretary of State for the Colonies, and approved by the Lords of the Treasury, in the light of a pledge by his Majesty's government, that the Crown lands of the colony

shall be held sacred to the promotion of immigration."*

It may be proper in this place to introduce a brief statement of the actual condition of the colony in 1835 with respect to the demand for labour, which will explain the anxieties displayed by the colonists on the subject.

The demand for labour arose, not only from the insufficiency of the number of disposable convicts, but from another and more natural cause, the increase of sheep and cattle. The number of sheep required for slaughter was so small in proportion to the vast flocks which were depastured both within and beyond the boundaries, that the price of butcher's meat had become merely nominal, leaving but a trifling profit above the cost of slaughtering and bringing to market. The consequence was, that the flocks of Australia increased almost without restraint, and to such an extent that their numbers were rapidly becoming unmanageable. Instead of having the sheep divided into flocks of four or five hundred, the settlers were compelled to have seven or eight hundred, and sometimes a thousand in one flock, being unable to find shepherds to take charge of them.

* The Report of the Immigration Committee in 1835, from which the above passage is extracted, was drawn up by the Hon. Sir Francis Forbes, Chief Justice of the Supreme Court of New South Wales.

Moreover, of the convicts, very few were at all calculated for shepherds, and the consequent loss to the flock-masters was very great. Many of the assigned servants also were of incorrigibly idle habits and vicious propensities, which the restraints of the law did not deter them from indulging, when opportunity offered. It became, therefore, desirable to obtain free men, even at liberal wages, for all rural purposes, as the stoppage of wages for losses occasioned by neglect of duty, would operate as a better check upon the free, than the fear of punishment upon the bond.

"This being the present situation," says Mr. H. H. McArthur, a most extensive landed proprietor and stock-holder, "of all farmers and flock-masters in this colony, there can be no question as to the great advantages they will derive from the present proposed law of bringing out emigrants, of those useful classes of men and women, who are bred in the country parts of Great Britain as farm servants, or agricultural mechanics, and useful house servants. I am of opinion," he adds, "that two thousand men would readily find places the first year, and that the demand would increase annually, with the increasing property and advancing prosperity of an enterprising community thus periodically gaining strength, both moral and political, and consequently developing the resources and accumulating

wealth over the vast field presented to them in our extensive forests and pastures."

The testimony of all the most influential gentlemen of the colony was to the same effect, as regarded the demand for labour, though there was, of course, a difference of opinion as to the machinery to be employed. Mr. Scott, a large proprietor of land and stock, states:—"The demand at present is very great. I have myself been unable to obtain free labour to effect improvements that I conceived to be important. The wants of the colony would, I think, take at least, twelve ship loads of emigrants in the course of the year. I think that a thousand persons would find employment in the district of the Hunter alone during the ensuing twelve months."

Sir John Jamison, Kt., also a large proprietor, says:—"At present the demand is so great, that I think that from two to three thousand agricultural labourers would find employment with an increasing demand for their services annually. This I consider a moderate computation for the wants of the colonists, and quite within the number required." And the statements of many others might be adduced, concurring with those quoted.

In a despatch to Lord Glenelg, of October 14, 1835, Sir Richard Bourke directed the attention of the imperial government to the recommendations of the Committee of the Legislative Council. His

Excellency more especially urged the propriety of appointing Surgeons of the Royal Navy, who had already been employed by government as superintendents of convict ships, and consequently had had opportunities of becoming acquainted with the circumstances of the colony, and of acquiring experience in the "management of large numbers of unoccupied persons embarked on board merchant vessels on long voyages." His Excellency also justly observes, that "upon the judicious and appropriate selection of the emigrants, the whole value of the scheme of immigration now submitted may be said to depend;" and he therefore strongly insists on the necessity "for appointing agents well acquainted with the colony, responsible to the colonial government for the discharge of their duty, and looking to it for remuneration. I attach,' he adds, "much importance to the employment of the same persons to select, embark, superintend during the voyage, and finally deliver over in the colony the persons whom he has been instructed to procure." In addition to the emigrants selected by the agents, his Excellency proposed also to allow to settlers, who were desirous of importing a large number of labourers, and who might prefer to have them selected by their own agents, bounties nearly equal to the passage of such persons, requiring only that they should be of the ages and descriptions specified in the government regulations, and be passed by a Board appointed to

examine the immigrants on their arrival. It was also proposed to engage ships for the emigration service by means of the London merchants connected with the colony. It was believed, that by this arrangement good vessels would be secured upon fair terms, as not only would the merchants be anxious to preserve their credit with the colonists who employed them in the sale of wool, but the superintendent, having no common interests with the merchant, would object to embark on board any ship not well provided and suited to the purpose.

Early in the year 1836, David Boyter, Esq., M.D. Surgeon, R.N., received a conditional appointment as an agent of emigration to New South Wales, on the plan suggested by Sir Richard Bourke, subject to the confirmation of the Secretary of State. Dr. Boyter was instructed, in the event of his receiving the permission of the Secretary of State, to proceed to Scotland, and in that country to select mechanics for emigration to this colony, of the following descriptions, and in the following proportions: viz., carpenters, one eighth; joiners, one eighth; stone-masons, one-half; blacksmiths, one-eighth; and bricklayers one-eighth. These artificers were all to be married men, and accompanied by their wives and children; the ages of neither of the married couple to exceed thirty years. They were at liberty to bring out under their charge any unmarried female between the

ages of fifteen and thirty, in whose welfare they were interested, and over whom they possessed control. Dr. Boyter was also instructed to require certificates of character and competency from the ministers of their parishes, and from masters by whom they had been employed, and to reject with the utmost care any person who had the slightest tendency to habits of intemperance, in order to prevent the formation of which during the voyage, it was intended to substitute a ration of wine for that of spirits which had hitherto been supplied to emigrants. The conditions on which these emigrants were to be brought out, were, a free passage for themselves and families, the Colonial Government guaranteeing to employ them upon public works, for one year, at the current wages.

Dr. Osborne, also of the Royal Navy, shortly afterwards received a similar appointment, and was sent home with the requisite credentials.

The arrangements proposed by Sir Richard Bourke, on the recommendation of the Committee, were approved by Lord Glenelg, and sanctioned by the Lords of the Treasury. The view entertained by the committee, that the whole net proceeds of the sale of Crown lands should be applied to the promotion of immigration, was strongly favoured by Lord Glenelg, who recommended to the Treasury, "that as large a portion of those funds as was required for emigration should be applied for that object; and that no portion of them should, on

any account, be devoted to other purposes, before this primary object has been sufficiently provided for." To which the Assistant Secretary to the Treasury replies:—"Although my Lords are not aware of any engagement, or understanding, that the whole proceeds of the sales of Crown lands in the Australian colonies should be devoted to the furtherance of emigration, they do not dissent from Lord Glenelg's recommendation, that a requisite portion of those funds should be appropriated for this object, and that it should be considered as the primary charge upon them." Lord Glenelg, however, did not, at first, seem favourably disposed to granting the emigrant an entirely free passage; but, on the urgent remonstrances of Dr. Boyter, who found it impossible to procure eligible mechanics on other terms, the point was conceded, and the age for married couples extended to thirty-five.

The year 1836 was also remarkable for a proposal to commence an immigration into this colony of a totally different character. John Mackay, Esq., formerly of Bengal, an indigo planter and merchant, drew up several memoranda for the consideration of his Excellency the Governor, respecting the Hill Coolies, a race of Indian labourers, whom, in the circumstances of the colony, he considered it would be expedient to introduce for a limited period of years. As the scheme alluded to, is still favourably regarded by many colonists of

influence, a few notices of this race of Indians may be interesting to the reader.

The tribe of Indians, commonly known by the names of Hill Coolies, Dhangars, or Boonahs, inhabit those extensive hilly districts to the northward and westward of Calcutta, which comprehend from two to three degrees of latitude (from 23° to 25° N.). The native climate of the Hill Coolies, therefore, is not so cold as that of the located parts of New South Wales; but, as they are accustomed to exposure in the winter season, (the thermometer often falling to 35°), and those who remain in indigo factories during the rainy season, suffer no inconvenience from working six or eight hours a day up to their middle in water, it was believed that they would be quite capable of enduring the climate of this colony. They are a healthy, active race, and in their own country cultivate yams, pumpkins, water-melons, radishes, cucumbers, and chilies. They do not, however, object to eat animal food, having no prejudices of caste, or of religion, like the Hindoos and Mahometans. They purchase from the plains a coarse kind of rice, called *paddy*, and hunt wild animals, such as hogs, guanas, and even rats, and mice. Their clothing is very simple, and they usually eat but once in twenty-four hours. Their habitations are equally simple—being similar to the back huts of this country—a dry floor and a blanket are the extent of their accommodations. Their muscular strength

is not, of course, generally equal to that of the natives of higher latitudes; but for the lighter operations of agriculture, and especially as shepherds, it was believed that they would be found to answer very well in this colony. Mr. Mackay states, "that he has here seen many Europeans earning 3*s.* a-day, the result of whose labour, individually, would not equal that of an industrious Dhangar." With respect to their religion, there appears to be some doubt. Mr. Bury, H.E.I.C. Bengal Civil Service, states:—"They believe in the existence of a God; and have some idea of a future state, but what it is, I cannot say." Mr. Mackay observes: "I do not know whether they have any idea of marriage, but the men appear to be much attached to their children, and to their mothers. They do not seem to have any idea of religion, so far as I have observed; and have no priests among them. I never knew any of them able to read or write: but they will travel a distance of five hundred miles in search of employment, and know the value of money." It appears certain, however, that they are not acquainted with that wild and dark mythology which forms the basis of the horrid rites of Brahminism. Indeed, the best authorities have attributed their origin to a large tribe inhabiting the Himalaya mountains, called the Gourcahs, whose religion, though Pagan, is not idolatrous; and this circumstance has probably led to the supposition that they had no religion at all. But such

a conclusion seems irreconcileable with the clear sense of moral obligation and character for trustworthiness, which all who profess to have any knowledge of them agree in ascribing to them.

Numbers of the Hill Coolies annually come down from their own country to the plains in search of employment. On these occasions they leave their families at home, and remain absent for several months at a time. They do not object, it appears, to make engagements for longer periods; some of them having been known to remain seven years in an indigo factory. They are hired in gangs of different numbers, from ten to one hundred; one of their number is elected sirdar, or overseer, who acts as interpreter, and makes contracts for the labour of his men. They are tractable and docile, and if treated well will exert themselves greatly. They are particularly expert in the use of the axe and hoe, and with a little instruction would make excellent shepherds and cow-herds.

In the month of May, 1837, Mr. Mackay addressed a further memorandum to his Excellency, stating, that all the inquiries he had been able to make had still more strongly confirmed him in his opinion, as to the expediency of introducing a large number of labourers of the class referred to. To this memorandum were appended two letters, which had been recently received in Sydney from an influential mercantile house in the

Mauritius. In both these letters it was stated, that the experiment of introducing Indian labourers into the Mauritius had proved completely successful; and that the total cost, including their food, clothing, and passage there and back, amounted to no more than five Spanish dollars per month, or about five shillings per week. A Mr. Mayo, also, who had resided for some years in the Mauritius, and was desirous of establishing sugar, coffee and cotton plantations in the northern parts of this colony, submitted to his Excellency an account of the experiment which he had an opportunity of witnessing, and recommended a similar experiment here.

"I would observe," says that gentleman, "that the importation of Indian labourers, under judicious regulations, will not only advance the interests of this country, but will prove of incalculable benefit to India itself. In time, I think it would be the most effectual method of sending into that vast region, not only improved manners, customs, arts, agriculture, and laws, but also the blessings of christianity."

To his account Mr. Mayo subjoined, among other documents connected with the subject, a copy of a circular letter, addressed by the colonial secretary at the Mauritius, to individual planters in that island, in which the following sentence occurs: "The result is highly satisfactory with

regard to the general treatment, conduct and condition of the Indians introduced as labourers into this island: and the system appears not only to have worked well hitherto, but to promise improvement, in proportion as these persons become acquainted with our language, and habituated to the manners and customs of the colony."

Independently of the documents submitted to his Excellency by Messrs. Mackay and Mayo, the subject of Indian immigration was earnestly pressed on his Excellency's attention by a letter, addressed to the colonial secretary by a large body of the flock-owners in New South Wales, complaining bitterly of the want of labour experienced in the colony, and binding themselves to support a certain number of the Indian labourers, provided his Excellency would sanction the defrayment by government of the cost of their transport. This letter is dated the 27th May, 1837; and the complaint and the request which it contains afford strong proof of the very small extent to which the colonists had been benefited by the immigration which had taken place up to that time, and of the urgent necessity which existed for some immediate and decisive measures.

The following table will exhibit in a concise view the actual amount of immigration which took place into the colony from the year 1832 in which the first bounty immigrants arrived, to the 31st December, 1835.

Years	Immigrants without bounty.				Immigr^s. receiving advances.			Females receiv^g bounties	Total No. of immig^s.	Total amount of advances and bounties.		
	Men	Women	Child^n	Total	Men	Women	Child^n			£	s	d
1832	679	251	284	1214	140	134	195	323	2606	5256	6	9
1833	661	418	353	1432	177	164	348	564	2685	12104	,,	,,
1834	519	297	264	1080	52	43	133	256	1564	5005	,,	,,
1835	518	218	147	883	33	31	86	395	1428	8663	,,	,,
Total	2377	1184	1048	4609	402	372	762	1538	7683	31,028	6	9

From this table it appears that the whole number of free persons who arrived in New South Wales, during the four years immediately following the adoption of Lord Ripon's scheme of appropriating the land revenue, was seven thousand six hundred and eighty-three, of whom considerably more than one half came out at their own expense. The average amount paid, in the shape of advance or bounty, for three thousand and seventy-four persons was, £10. 1*s*. 10½*d*. The following is the account for the year 1836.

WITHOUT BOUNTY.			Total
	Men	451	
	Women	212	
	Children	150	
			813
Persons for whom bounties were paid, either by order of the Home Government, or under the Colonial Government order of October 28, 1835. By order of the Home Governm^t — Families	Men	57	
	Women	58	
	Children	127	
By order of the Home Governm^t — Unmarried females		516	
			758
By order of Colonial Government of October 28, 1835.*	Men	16	
	Women	21	
	Children	13	
			50
		General total	1621

COST.

The total sum charged on the Colonial Land Revenue for the year 1836, on account of immigration, was £11,794 11*s*. 11¾*d*. The actual amount paid in bounties was £10,894, making an average bounty of £13 9*s*. 7¾*d*. per head for eight hundred and eight immigrants

* The order offering bounties on immigrants introduced by settlers agreeably to the intimation contained in Sir Richard Bourke's despatch of October 14, 1835, before mentioned.

From the foregoing tables, as well as from the complaint on which the colonists founded their proposals respecting Coolie immigration, the reader will be enabled to draw a lively picture of the distress which existed in the colony, on account of the scarcity of labour at the commencement of the year 1837. The losses sustained by the settlers were of such lamentable extent, and the circumstance of a fertile land, rejoicing in all the strength of its natural resources, but literally lying waste for want of population, was so very distressing, that the most vigorous measures appeared to be demanded. But the continued remonstrances sent to the Home Government, both in the indirect course of private correspondence, and through the more tardy channel of official communication, appear at length to have roused the Colonial Department to something like an energetic movement. In a letter addressed by Lord Glenelg's direction to the Secretary to the Treasury, dated January 9, 1837, the attention of the Lords Commissioners was forcibly called to the steps which had hitherto been taken in the business of emigration, and which had been limited, in consequence of "the uncertainty which to a great extent necessarily existed in 1831, as to the working of a system at that time untried in the British Colonies," and the impossibility of then organizing, without the risk of failure "an extensive

scheme of emigration which would be dependent on the proceeds of future Crown sales." The letter points out the success of Lord Ripon's scheme in the following terms:—

"The extent of the revenue raised from the sales of unsettled Crown lands in New South Wales, exceeds the most sanguine anticipation entertained at the time when the existing regulations for the disposal of land were promulgated by Lord Ripon in 1831. So completely has the rigid adherence to the principle of these regulations on the part of the government been justified by experience, that the annual receipts from those sales have rapidly and progressively increased since 1831; and there is reason to believe that the amount arising from this source during the present year, 1837, will not fall short of £100,000. The arrangements, however, for the employment of these funds, have not hitherto kept pace with the rapidity of their growth; and Lord Glenelg considers that some more efficient agency should, without delay, be provided for securing the full benefit, which ought to accrue, both to the colonies and to this country, from the due administration of the means thus rendered available for emigration."

With a view, therefore, of remedying the existing evils, Lord Glenelg proposed a plan, of which the following were the leading features:—

1. "Two-thirds of the available land revenue

were to be appropriated to emigration, superintended in the United Kingdom; the remaining third to be appropriated to immigration, conducted by individual colonists in accordance with the government order of October 28th, 1835."

2. "Naval surgeons to be employed by the colony as agents for the selection and conveyance of emigrants. It was left, however, for consideration, whether an equally efficient and less expensive agency might not be obtained by the employment of agents practically acquainted with the colony, and who might be employed exclusively in the selection of emigrants, without being required to conduct them to the colony."

3. "An officer to be appointed, with the denomination of chief agent for emigration, who should be settled in London, and to whom the entire superintendence of the business should be entrusted."

In a despatch of the 23rd of March, 1837, Lord Glenelg states, that the proposed arrangement had received the sanction of the Lords Commissioners of the Treasury, and expresses his hope that it will shortly be in effective operation. On the 30th of May, in the same year, Sir Richard Bourke summoned the Legislative Council, and in his opening address alluded to the difficulties of the colonists from the want of labour, and proposed the appointment of a select committee,* to consider and report

* The committee consisted of Colonel Snodgrass, Mr.

their opinion upon a proposal made to the government of New South Wales for introducing into the colony certain of the Hill labourers of India; and to consider the terms under which mechanics and labourers from Europe are now brought out, and to report their opinion thereon."

In their final report, which was laid on the council table on the 25th of August, the committee touch but slightly on the subject of Indian immigration. Notwithstanding the distress of the colonists, and the favourable picture which had been drawn of the Hill Coolies by Messrs. Mackay and Mayo, and others who were examined by the committee, the objections raised respecting the Paganism, colour, &c., of these people appeared to produce so strong an impression against their introduction, that the committee would not venture to do more than recommend a bounty of £6 (or about half the cost of importation) for every male Dhangar who should be embarked on or before the 31st of December, 1838, the master employing them to give security for the payment of ten shillings half yearly into the Savings' Bank, "to form a fund to cover the expense of their conveyance back to their native country, at the expiration of six years from their arrival in this colony." The committee recommended this mea-

Lithgow, Mr. Blaxland, Mr. McArthur, and Sir John Jamison.

sure only as an immediate and temporary relief to the distresses of the settlers; and, as they did not calculate on more than from three to five hundred Indians being brought into the colony under these regulations, a large expenditure could not be incurred, while the colonists would be enabled to judge of their utility, should a crisis of distress again occur in the southern part of the colony.

To prevent the necessity of recurring for some time to the subject of Indian immigration, it may be convenient to state here, that the proposal was not favourably received by Lord Glenelg. In a despatch to Sir George Gipps, dated December 14th, 1837, his Lordship intimates that the papers on the subject which had been laid before the Legislative Council, and copies of which had been forwarded to his Lordship, had been referred to T. F. Elliot, Esq., the newly-appointed Agent-General for Emigration. As, however, the arrangements made in the United Kingdom for promoting emigration to New South Wales, in the early part of that year, could not have been known in the colony at the date of those papers, Mr. Elliot expressed his opinion, in which Lord Glenelg concurred, that the effect of the arrangements in progress would be to remove the necessity which had prompted the colonists to look to this mode of supplying the deficiency of labour; and that it was much to be wished that the colonists "should continue to prosper without introducing Indian blood

into their population, or Indian habits into their industry."

Lord Glenelg further observes on this subject:—"Its tendency would, probably, be the permanent erection in the colony of a distinct class of persons, separated by origin and habits from the rest of the labouring population, subject to restrictions not generally imposed, and regarded as of an inferior and servile description. Such a system could scarcely fail of being injurious to the parties themselves, and, by bringing agricultural labour into disrepute, to discourage the emigration of agricultural labourers from this country, who, as the advantages offered to them in New South Wales become more extensively known, may reasonably be expected to avail themselves in larger numbers than heretofore of the opportunities of emigration to that country."

With respect to British immigration, the report of the committee of 1837 did not contain any information or suggestions of great importance. The simple and eloquent facts set forth were, that, at that time "the means did not exist for maintaining the present establishments of sheep, cattle, and horses; and that, annually, the colony drew one-fourth, and sometimes one-third of their supplies of wheat from foreign markets." As a matter of course, therefore, the committee recommended "that immigration should be continued yearly to the extent of the whole revenue arising from Crown

lands." As the minor recommendations of the committee did not become the subject of any correspondence with the colonial department, and, as the attention of the colonists was soon occupied by the arrival, in rapid succession, of emigrant vessels sent out by government, it will be unnecessary to detain the reader by any further account of them.

In the year 1837, the number of immigrants who arrived in the colony without bounty was eight hundred and seventy-one; those who received assistance from government amounted to two thousand six hundred and sixty-four; and the amount of pecuniary assistance given by government was £36,219. 3*s.* 1½*d.* As yet, therefore, but little had been done: the machinery, however, was now fully in operation, and the returns of the ensuing years will show a very different result. The appointment of Mr. Elliot, to the office of Agent-General for Emigration, seems to have been attended with most important advantages. To strong natural judgment and benevolence of disposition, that gentleman added the most accurate habits of business, and, which was of still greater consequence, an extensive acquaintance with colonial affairs. In fact, from the date of Mr. Elliot's appointment, the history of immigration may be said to commence; all that passed before having been merely experimental.

It would extend this section far beyond the limits which are necessarily assigned to it, if an attempt were made to give even an outline of the various schemes proposed, and successively tried, for the conveyance of the immigrants, and for their management during the voyage. The details of shipping arrangements, of charter-parties, provision-contracts, scales of victualling, &c., &c., though matters of great importance to those practically engaged in the business of immigration, do not appear to fall within the province of the historian, whose business is rather to watch the results of social experiments, than to consider the trifling details which do not affect the general result. It has also been thought proper to omit any accounts of the different methods adopted by different Surgeons-Superintendent, for the proper management of the emigrants during their voyage, for though such particulars might be interesting, they are not of importance to the main subject, and would necessarily occupy a large space. It is not to be concealed, however, that the moral character of many of the immigrants, especially after the discontinuance of the government system, and their consequent utility to the colony, were very materially affected by circumstances connected with the voyage; and statements will be presented in the sequel which will be read with painful interest, and at the same time,

it is to be hoped, not without a prospective advantage.

It has been already intimated, that immigration was carried on, both directly by the government agents in the United Kingdom, in vessels chartered by government, and superintended by surgeons of the Royal Navy; and by private individuals, who fitted out vessels at their own cost, and procured emigrants by their own agents, who were superintended by surgeons, appointed by the owners, and for whom they were allowed bounties, provided they were of a proper description, and in accordance with the government regulations as to age, condition in life, &c. If the immigrants on arrival were found to exceed the prescribed age, or if the written certificates and testimonials, which the importers were required to produce, were found to be at variance with the statements of the immigrants themselves, the bounties in every such case were withheld. The bounty also was not paid for such as died during the passage; in fact, only for such persons *of the proper description,* as were actually produced before the Colonial Examining Board. The importers were also obliged to show that the provisions and water were good and sufficient, and that due precautions had been used for securing the health and comfort of the passengers during the voyage. The numbers of immigrants brought out under these systems

respectively during the year 1838, in addition to those who came out on their own resources, were as follows:

Immigrants in ships chartered by government.	Male	1126	
	Female	1096	
	Children	2258	
			4480
Immigrants in private ships, on whom bounties were paid.	Male	566	
	Female	577	
	Children	479	
			1622
Unassisted	Male	851	
	Female	362	
	Children	265	
			1478
	Total		7580

The Committee of the Legislative Council, appointed in 1838, consisted of the Right Reverend the Lord Bishop of Australia, the Auditor-General, Mr. Blaxland, Mr. McArthur, and Sir John Jamison. The labours of this committee were of the greatest value, and their report, which was prepared by the Right Reverend Chairman, is a most able and instructive document. It will be necessary to glance briefly at one or two of the topics alluded to in the report. The urgent demand for labour is most prominently set forth. Among all the witnesses examined, and among those who sent replies to the circular-letter of the committee, not one was found who did not complain of a deficiency, and urge the strongest measures for its removal. This urgent demand also existed at

a time when the colony was suffering under a a severe drought, which had raised the price of grain to an extreme height, and which deterred many of the settlers from proceeding with those improvements, which they might otherwise have been desirous to commence.

The report next proceeds to notice the means arising within the colony for rectifying the disproportion between the demand for, and the supply of labour. The principle that the net revenues arising from Crown lands should be applied to this purpose is strongly insisted on, and the allowance of any deviation from this principle earnestly deprecated. But a more important subject had been forced on the attention of the committee by the financial minute of Sir George Gipps for that year, in which the following passage occurred:—

"The land revenue has hitherto in every year, much exceeded the amount spent in the same year on immigration; consequently there has been in every year, since 1831 (the year in which the land revenue first began to assume importance) a considerable balance carried to the general account of the colony. The reverse, however, of this may be expected to be the case in the present year: the land revenue during the first six months of it has amounted only to the sum of £31,662. 10*s.* 9*d.* and estimating the revenue for the other six at the same sum, we shall have only the sum of

£63,325. 1*s*. 6*d*. to meet our expenditure on immigration, which, as far as we can at present judge, will not fall far short of £100,000; so that at the end of the present year, instead of having any thing to transfer to the common revenue of the colony, there will be a balance the other way of probably £37,000, which must be taken from the accumulated fund of our savings."

The circumstance thus disclosed by his Excellency, caused the committee to express a strong opinion upon the desireableness of removing all ambiguity respecting the correct application, for the future, of the revenue. They conceived "it would not be difficult to make a final arrangement as to the charges which shall be sustained by the land revenue,* which, as being founded upon equitable principles, would be received without objection; while the security thus afforded of the appropriation, to purposes of emigration, of the surplus remaining after such charges had been met, could not fail to inspire the colony at large with confidence and satisfaction." The anticipated deficiency, however, alluded to by his Excellency,

* For the sake of convenience it may be here mentioned, that the charges now decided to belong to the land fund are, 1st. The collection and management of the fund. 2nd. A charge of 15 per cent, on account of the Aborigines, the original possessors of the soil from which the wealth of the colony is derived. And, lastly, immigration.

had only justified the apprehensions entertained by the most experienced of the colonists, on the rise in the minimum price of Crown lands; and though the high price obtained for land in the newly-opened district of Port Phillip might relieve those apprehensions for a time, still it was questionable, "whether the returns from the sale of land would prove so invariable from year to year, as always to supply exactly the amount which it might be thought desirable at any particular time to devote to the promotion of immigration." With a view, therefore, of keeping up the extent of immigration for some years, to a certain annual amount, the committee reported generally in favour of a proposal that money should be raised by way of loan, secured upon the unsold Crown lands, or upon the general revenues of the colony. In reply to the objections which might be raised to the creation of a public debt, the committee direct attention to the difference between borrowing on the general resources of a country, and borrowing on the credit of real property known to be of more than commensurate value. The object for which the debt was to be created was also of importance; as there was a vast difference between borrowing for the military or political service of a nation, and for expenditure upon territorial improvement, every pound of which must necessarily be returned with increase. Besides which, it appeared not improbable, that the intro-

duction of so extended a population would itself so enhance the value of Crown lands, that the difference would more than defray the interest of the loan, the gradual discharge of which was proposed to be provided for by a sinking fund of one per cent.

The proposal to raise a loan of the character alluded to, to the extent of £2,000,000, for the introduction of one hundred thousand immigrants in eight years, was very generally approved throughout the colony, as was evidenced by a letter, addressed to the committee by a large number of gentlemen deeply interested in the prosperity of the colony, and strongly urging the necessity for the measure. The committee declined specially recommending any particular amount to be raised by way of loan, but suggested that in the event of the project being authorized by the imperial government, the gross produce of the loan should be appropriated to the purposes for which it was raised, and that all expenses connected with it should be defrayed out of the general revenue of the colony.

With respect to the comparative merits of the two modes which had been adopted for the introduction of immigrants, it had been found that the bounty system was considerably less expensive than the other. The Appendix to the Report of the Committee contains, among other valuable returns, a table, showing the cost of outfit and

victualling of eleven government ships, from January 1, 1837, to June 30, 1838, with a statement of what the cost would have been of conveying the same individuals under the bounty system, and it appears that the saving to the colony would have exceeded £10,000 on the introduction of three thousand and thirty-three persons. This excess of expenditure on the part of the government ships did not appear to be accounted for by their superiority in point of ventilation, cleanliness, or attention to the security or morals of the passengers. In both classes of vessels some additional regulations appeared called for in reference to all these matters; but the question of expense seemed so far decided, as to warrant the leaving the future business of immigration to private enterprise.

Some inconvenience had been felt from the introduction of so large a proportion of children as had already arrived, many of whom being infants, were a burden on the employers of their parents; and it was thought advisable to propose in future a modification in the scale of bounties, so as to discourage the emigration of very young children, "and contrariwise to hold out greater advantages to persons who are not encumbered with such large families." The committee also recommended that immigrants arriving under the bounty system, should have the same advantages with respect to maintenance on arrival as were allowed to those arriving in government ships.

The report concludes with a very animated appeal on the necessity of providing the means of religious instruction for the population, which was in this manner dispersed through the interior.

With reference to the subject of the greater expense of government emigration, his Excellency appointed a Board, on the 5th of December, 1838, with instructions to inquire both into that question; and also the greater degree of sickness which had prevailed on board ships freighted by government. On the latter point, the Board reported, that the sickness and mortality which had prevailed on board the government ships, seemed attributable: 1st. To the number of children embarked, which amounted in many cases to more than half of the whole number of passengers. 2nd. To the unsuitableness of the dietary, particularly of that provided for children. 3rd. To the circumstance of the emigrants being embarked without the previous acquaintance of the Surgeons-Superintendent, many diseased persons by this means contriving to get on board, and causing subsequent epidemics. On the subject of expense, the Board professed themselves unable to discover any items in the outlay for government ships which could conveniently be reduced; and the only mode, in which it appeared to them that any saving could be effected in that important branch of the public service, was the entire abolition of the system of chartering and fitting out vessels, and leaving that part of the business entirely to private

individuals, the emigrants, however, being still selected by government agency.

The superiority of the bounty system was more abundantly manifested in the year 1839. Not only was the expense shown to be reduced, but the character of the immigrants, and general suitability to the wants of the colony was found to be of a much higher order than was to be found in the immigrants brought out by government vessels. With a view of rendering the employment of introducing immigrants sufficiently lucrative to ensure its being taken up to the necessary extent, and pursued with the necessary vigour, it was found expedient to raise the bounty for male and female adults to £19; in consideration of which the immigrants were to be allowed to remain on board the vessel ten clear days after their arrival, during which time they should be provided with the same ration as was allowed them at sea.

The committee appointed in 1839* renewed the proposals for raising a loan on the security of the land revenue, which had been made by the committee of 1838. It had now been ascertained, beyond a doubt, that the produce of that

* Of this committee, as well as of those appointed in the three following years, the Right Rev. the Lord Bishop of Australia, was chairman, and to his pen we are indebted for the very masterly reports which they presented to the Legislative Council.

revenue, in any one year, was not likely to be of amount equal to the expenditure of that year on account of immigration; at the same time there appeared no difficulty in the scheme of raising a sum of money every year for eight years, (during which it was supposed that a sufficient number of immigrants might have been imported) the interest to be paid out of the land revenue, and a sinking fund being provided for the ultimate redemption of the loan.

The history of immigration during the year 1839, presents no new feature for consideration; it remains, therefore, only to give

A TABLE shewing the number of immigrants who arrived in the colony during the year, whether in government ships, on the bounty system, or on their own resources:—

In government ships	Males . . .	1514	
	Females . .	1476	
	Children . .	1993	
			4983
In private ships on bounty	Males . . .	1019	
	Females . .	1040	
	Children . .	859	
			2918
Unassisted . . .	Males . . .	1513	
	Females . .	599	
	Children . .	691	
			2803
Total arrived in Sydney			10,704
Landed at Port Phillip from government ships			229
Ditto Ditto from private ships on bounty			485
Ditto Ditto unassisted			150
Grand Total. . .			11,568

To this Table it will, perhaps, be convenient to add the following:—

STATEMENT OF OUTLAY.

	£.	s.	d.
Amount of charters for government ships	54,370	19	2¾
Provisions, outfits, &c., for ditto ditto	44,497	8	4½
Total expense of government ships .	98,868	7	7¼
Total amount of bounties paid . .	48,758	0	0
Total cost to the colony	£147,626	7	7¼

In the year 1840, the demand for labour throughout the colony appears to have been as intense as ever, notwithstanding the great numbers of immigrants who had arrived.* No sooner had an

* "Under the pressing representations which have reached them from every side, your committee have directed their attention to every imaginable source of relief. Among other propositions, that of introducing, for a limited time, some of the Hill Coolies, from India, to serve as shepherds (in which employment they are known to excel) has been revived. Your committee are impressed with objections of considerable weight, which may be urged against this measure, and could not, under any circumstances, recommend that any bounties should be granted on the introduction of that race of people. But they are compelled, unwillingly, to express their opinion, that, under the pressure of severe necessity, and every other resource having failed, it would be advisable to revoke the prohibition which is now in force against the employment of the Coolies, for a limited period, by colonists, who might be willing to introduce them at their

emigrant ship arrived, than the liveliest anxiety was displayed to obtain servants and labourers of every description, and before a week had elapsed, every soul who had arrived was provided for, though in some cases the employer was compelled to supply rations to a large family of children, in order to obtain the services of the father. With reference to one ship in particular, the 'James Pattison,' which arrived from Gravesend on the 5th of February, 1840—though some fears had been entertained in England, previously to her departure, that the drought and other causes, which oppressed the colony at the time, would prevent the speedy hiring of the immigrants—Mr. Denham Pinnock, the Resident Agent for Immigration positively stated, that, "so great was the demand for labour, it was with great difficulty he could prevent persons from engaging the immigrants before disembarkation."

That well known punster and caricaturist, Mr.

own charge, and who would give security for their return to their native country, at the expiration of their covenanted terms of service."—*Report of the Immigration Committee*, 1840.

"Every department of industry is cramped; and no undertaking, public or private, can be prosecuted, except at an immense expense; owing to the exorbitant rate of wages, and the inconceivable difficulty in procuring workmen, servants, or mechanics, upon any terms whatever."—*Ibid.*

Thomas Hood, has made one of his most successful *jeux-d'esprits* in a letter, supposed to be written by a domestic servant, on her arrival in Sydney by an emigrant ship. She represents the demand for servants to have been so great, that employers came off to the ship in boats, and attempted to engage them by means of speaking-trumpets;* and that a number of afflicted bachelors made a similar experiment in the hope of obtaining wives. Whether matrimonial speculations were ever really commenced in this manner, it becomes not the Historic Muse to sing; but Mr. Hood was probably little aware, that, so far as the engagement of servants was concerned, his lively fancy had not outstripped the strict limits of reality, and that the scene which he had conjured up for the amusement of the laughter-loving circles of England, was veritably enacted, with all the accompaniments of dress and decoration peculiar to the performances, in the harbour of Port Jackson.

* Not long ago, we went ourselves in a boat with a lady to engage a "housemaid." The ship was surrounded by so many anxious parties, that the lady found it impossible to get on board. We therefore left her, and went on deck; and the government agent caused several girls to get over the ship's side to the "quarter-gallery," whence they were inspected by the lady from below, and an eligible one agreed with by "dumb motion," for from the height of the ship, and the confusion on board, not a word that one said, could be heard by the other.

It will be unnecessary in this place to refer to those discussions which agitated the public mind, during this and the succeeding years, respecting the extent to which the land revenue was affected by the mode in which the sales were effected, and the proceeds applied. These points, it is hoped, have been fully noticed in the previous section, and it is only necessary now to add that the application of the net revenues to immigration was this year decided by the appointment of the Colonial Land Board, with instructions to superintend "the sale in England of waste lands in the colonies; and the application of the proceeds to the removal of emigrants."*

In this year the system of government immigration was abandoned,† which occasioned a diminution in the arrivals. The last vessel with government immigrants was the 'Glenhuntly,' which arrived in Port Phillip on the 14th of April. The following table shows the general results.

* In the Report of the Committee of the Legislative Council appointed in 1840, the subject of a loan was not mentioned, the land revenue for that year presenting so very favourable an aspect. Its gross amount was £316,626. 7*s*. 5*d*. one sale alone having realized, in the Port Phillip district, £104,000.

† The discontinuance of government immigration deprived the colony of the services of Mr. Elliot, the London Agent General for Immigration, whose services had been of the greatest value, and the loss of which were deeply regretted.

In government ships	Males . . .	444	
	Females . . .	442	
	Children . .	481	
			1367
In private ships on bounty	Males . . .	1471	
	Females . . .	1612	
	Children . .	826	
			3909
Unassisted	Males . . .	824	
	Females . . .	285	
	Children . .	188	
			1297
Total arrived in Port Jackson			6573
Arrived in Port Phillip in government ship		153	
Ditto ditto bounty . . .		1268	
Unassisted		543	
			1964
Total number of immigrants for 1840 . .			8537

To this may be added a

STATEMENT OF OUTLAY.

	£.	s.	d.
Amount of charters for government ships .	15,807	13	
Provisions, outfits for ditto, &c.	10,384	10	8
Total expense of government ships .	26,192	3	11
Amount of bounties, including gratuities to surgeons	84,737	7	6
Total cost to the colony* . . .	£110,929	11	5

The principal circumstance in the history of

* It appears from the Financial Minute of his Excellency for 1841, that the actual cost for immigration for 1840 was £148,314. 17*s.*; the above return not including expences on account of the 'Glenhuntly,' the 'James Pattison, and the 'Crescent,' with probably some other items.

immigration for the year 1841, which demands attention, is the proposal by his Excellency, Sir George Gipps, of a bill to secure, on the ordinary revenue of the colony, the payment of debentures issued to meet the expenses of immigration. The proposal is contained in a Minute by his Excellency to the Legislative Council, dated November 30, 1841, and as it contains a very clear exposition of the state of the land revenue, the mainspring of immigration, no apology is offered for the introduction of copious extracts. It will be in the recollection of the reader, that in the years 1838 and 1839, the Immigration Committee successively recommended the raising of a loan, in order that the progress of immigration might not be retarded by any fluctuations in the land revenue. These recommendations had been supported by Resolutions of Council, in the years 1838, 1839, and 1840, strongly expressive of concurrence in the principles of the recommendations of the committee. In 1841, a similar resolution was passed by the Council, the concluding paragraph of which ran as follows:—

"And this Council, therefore, guarantees to the utmost of its ability, a speedy re-imbursement of such sums as the government may find it necessary to advance in anticipation, towards promoting an object of such vital importance."

In consequence, however, of the continued sufficiency of the land fund, it had never been found

necessary to press the matter farther, Sir George Gipps having all along considered a loan as the last resource, having little faith in calculations of redemption, or of sinking funds; and not unjustly apprehending "that it would be extremely difficult to administer the government of the colony with proper economy, in the midst of the fictitious wealth which would be produced by a loan." The subject, however, being pressed on his Excellency's attention, he at length sent to the Home Government a proposal for raising money,* to which no answer had been received at the date of the Minute above mentioned, the Home Government having probably not imagined that the prosperity of the land revenue in 1840 was the flash of the taper previous to its sinking into darkness. In the meantime, the pressure of the demand for labour had been such, that (the government system

* The proposal was to this effect: That the British Treasury should continue to make advances, as before, for such emigration expenses as were to be provided for in England, without pressing for immediate repayment into the military chest of the colony; and further, that his Excellency should, in case of necessity, be authorized to receive advances in the colony from the military chest, to any amount not exceeding £10,000 at any one time, or £100,000 in a year The plain effect of the arrangement would have been, that the British Treasury would have been the creditors of the colony for the first instalment of a loan, and the colony would have been kept out of the money market until that instalment (which was to be limited to £125,000) had been exhausted.

having been abandoned) it had been found necessary to extend the bounties, so as to induce a greater number of persons to engage in the business of importing immigrants. It may be necessary to mention, that up to 1840, the bounty system had been carried on almost entirely by one individual in England (Mr. Marshall). The sequel may be told in the words of his Excellency.

"This measure had the desired effect; numerous applications for permission to import immigrants were addressed to the local government, and were very generally complied with, it being considered next to impossible that immigrants could arrive in the colony within the two years for which the permissions were granted, faster than the colony would require them. Even if the emigrants themselves could be obtained, it was considered that ships to convey them to the colony could not be procured, without so raising the cost of freight and conveyance, as to make the speculation on the part of the importers an unprofitable one. Towards the end, however, of 1840, circumstances occurred, which induced me to look with some anxiety on the extent to which I had, on the part of the government, made engagements for the payment of bounties on immigrants; and I determined shortly afterwards to issue no more unconditional promises of bounties."

After alluding to the extraordinary amount of

the land revenue in 1840, the first ten months having produced the large sum of £313,628. 18*s*. 1*d*. His Excellency proceeds:—

"In the month of November, these flattering prospects began gradually to fade away. By instructions under the sign manual which have been published, both in England and the colony, I was prohibited from opening the new lands on the Clarence River, and at Moreton Bay, to which I had looked confidently for a large accession of revenue. I was equally prohibited from selling land in the county of Macquarie, in which good lands remain unsold to a greater extent than in any of the counties which now form the middle district of the colony. In carrying into effect the same instructions, I also found myself forced to reserve from sale the most valuable lands in the Port Phillip district..... In the months, moreover, of October and November, 1840, the first appearances disclosed themselves of that commercial distress, which has since fallen so heavily on the colony; and which, by creating a great scarcity of money, has greatly diminished the ability of the colonists to purchase land."

"The revenue derived from the sale of land in the whole of the year 1840 was £316,626. 7*s*. 5*d*; that of the eleven months already elapsed, in 1841, is only £84,145. 5*s*. 7*d*. Meanwhile the impulse given to the bounty system in March 1840, has been producing its full effect, and an effect even greater than was expected from it, as the freight

of vessels from the United Kingdom to Australia does not seem to have increased in the ratio that was anticipated, in consequence of so largely increased a demand; a circumstance, which is, I believe to be attributed to the depressed state of commerce at home, and particularly of the trade between England and America.

"The total number of immigrants introduced on bounty into the colony was, in 1840, 6697; and in 1841, up to the present date, it is 16,612...... If every thing due for immigration were now paid, the money now remaining in our treasury for the service of every department of government would be under £60,000.

"On the 11th of September last, I issued a circular notice to all persons who had received conditional promises of bounty, warning them that it was very probable, the government would not be in a condition to pay them. This notice will, it may be presumed, have the effect of greatly checking immigration; and in issuing it, I could not but feel apprehensive, that it might have this effect to a greater degree than would be salutary to the colony.

"The plan which I propose is, that the debentures, to be issued for the support of immigration, shall be secured on, and paid out of the ordinary revenue of the colony, if not satisfied within three years out of the land fund. That the debentures, as also the interest on them, not exceeding the

rate of six per cent per annum, shall be payable in London; and that none shall be issued for any other purpose than immigration, nor until the funds in the local treasury shall be less than £50,000; that none shall be issued after the 31st of December, 1842; and that the total sum for which they are issued shall never exceed £200,000."

The measure, thus proposed by his Excellency, was referred to a Sub-Committee of the Legislative Council, whose report takes a masterly view of the financial condition of the colony. The following extracts are of great importance, and notwithstanding their length, will be read with interest.

"There remained to the committee no other course than to adopt one of two propositions: to adhere to the measure proposed by his Excellency the Governor, or to issue debentures for circulation in the colony at eight per cent. per annum, for one or two years certain; but with liberty to use them at any time during that period in payment for land. With the available balance still remaining in the treasury, and the proceeds of the bills to be drawn against the amount due from the colony of New Zealand,* to meet immediate payments, your committee have no doubt that sufficient further funds would be obtained, as from time to time

* This alludes to the sum of £40,000 which had been advanced from the land fund of New South Wales to establish British authority in the islands of New Zealand.

may be required, by the issue of such debentures in periodical instalments. Your committee have been induced to recommend this latter mode of raising the necessary funds in preference to the course provided for in the bill, from a persuasion that, under all the circumstances of the case. it will be the most beneficial for the public; it will not interfere at this crisis so materially with the course of exchange, to the disadvantage of settlers, and others drawing against their shipments of wool and other produce; and it will avoid any chance of prejudicing in England the more extensive measure of a loan in aid of immigration, as recommended in a subsequent part of this report. If debentures be issued for circulation in the colony, secured on the land revenue, it will not be requisite to secure them also on the ordinary revenue; and, in such case, any act of the local legislature, would, in the opinion of your committee, be unnecessary.

"Your committee have directed their attention, with some anxiety, to the effect which is produced on the monetary affairs of the colony, by the immediate payment of large sums to the British ship-owner and provision merchant for the passage of emigrants, and which must be remitted to Great Britain, thus materially adding to the already large balance of trade against this colony. There is no doubt that eventually the effect of the importation of labour will be to create capital to a far

greater extent than the amount paid for its introduction, but in the meantime the withdrawal of that capital must be materially felt.

"The effect of this abstraction of capital would have been much more injurious, but for the operation of certain private companies, possessing, at the time, British capital for investment in this colony. Unless such a medium of remittance to England, as is afforded by the drafts of these companies had existed, the demand for bills to remit the charges for immigration would have been so great, that the rate of exchange would have risen to a premium, until it became more advantageous to import specie, which would have been withdrawn from the colony, to the great injury of its pecuniary resources. Such appears, indeed, to have been the case in the year 1840, when the diminution of coin, at the close of that year, as compared with the end of the previous year 1839, was no less than £118,488. 2*s.* 10*d.*

"In the present year, up to the 30th of September last, there has, however, been an increase of coin again of £37,601. 12*s.* 3*d.* which may be accounted for by the large importations during that period of British capital. The great inconvenience arising from the present mode of paying for immigration would be obviated in a great measure, if not entirely, by raising a loan in England, to supply the necessary funds, provided

that a period of several years were allowed for paying it off, as in the mean time the productive labour of the emigrants would have created the means of liquidating the debt. According to the present system, the payment is made, as it were, in advance, the inevitable effect of which is, to cripple the pecuniary resources of the colony, at least for a time, and your committee consider this as one of the prominent causes of the present monetary depression. It is a matter of vital importance to the best interests of the colony, that a regular and copious stream of immigration should be kept up, and experience has shown, that, although the sale of land may be relied on as the means of eventually yielding an adequate fund, yet from its very uncertain annual amount, it is not to be depended upon as the resource from which the expenses of immigration can be immediately and regularly provided for. Your Committee would, therefore, strongly recommend the measure of a loan as proposed by the committee of this council on immigration, which sat in 1838 and 1839."

The report of the committee was approved by the council, and resolutions in accordance with its suggestions were adopted.

The following extract from his Excellency's financial minute, July 26, 1842, will show how far his Excellency availed himself of the advice

of the council. From that document, it appears that the charges on the land fund for 1842, exceeded the receipts by £292,065. 12*s.* 9*d.*

"Moreover," says his Excellency, "during the portion of the present year already elapsed, the further sum of about £104,800 has been paid on account of immigration, whilst the amount derived from the sale of land in the half-year ending the 30th of June last, was only £7,566. 15*s.* 9*d.* In the address which I delivered to the council on the first day of the present session, I stated that this great expenditure, on account of immigration, has not only exhausted our treasury, but that, in order to meet its deficiency, I had issued, or was prepared to issue, debentures to the amount of £65,000. I have now, however, the satisfaction of stating, that the amount of debentures in circulation is only £49,500; and that, though there are still some unclosed accounts, both in the colony and in England, the outstanding balance against us, on account of immigration, is supposed to be under £10,000, and consequently the whole deficiency of the land fund is less than £60,000. On the other hand, the government has balances in its favour at the different banks in Sydney and Melbourne, which, as nearly as the account can be made up to the present day, amount to £39,000; and the expenditure of government, immigration being suspended, is now well within its income."

The extent to which immigration was carried on during the year 1841 was unprecedentedly great. The amount quoted in his Excellency's financial minute of the following year as having been expended on account of immigration, was £331,971. 9*s.*; and the total number of persons introduced on bounty was 19,523, besides 3677 unassisted immigrants.

The sudden and almost total extinction of the land fund, which has been so fully elucidated in the previous pages, induced Lord Stanley, in the commencement of the year 1842, to suspend further emigration on bounty orders. "However desirable," observes his Lordship, in a despatch to Sir George Gipps, dated February 8, 1842, "it may be to keep up a continued supply of emigrants to New South Wales, I cannot consent to anticipate its land revenue for that purpose; and looking to the very large addition which will have been made to its population in the course of the past and commencement of the present year, I am strongly inclined to believe that the supply of labour furnished will have been at least equal to the demand, or, at all events, to such a demand as would realize the fair expectations of the emigrants."

Immigration having been thus suspended, this section might also have been closed, did it not appear impossible to omit any notice of those shameless frauds which marked the latter history

of the bounty system. The evidence appended to the Report of the Immigration Committee for 1842, discloses a history of fraud and forgery, a system of personation, falsehood, and breach of contract, which must be a standing disgrace to every one concerned in it; and the full exposure of which, on every occasion which offers itself, becomes the duty of all who are interested in the permanent welfare of the colony. Out of 21,126 immigrants, who embarked as bounty emigrants, no less than 1395 were found ineligible under the colonial regulations; and it is presumed that, had greater strictness been exercised, a still larger number would have been found liable to objection. The amount of bounty saved to the colony was £22,567, being about four and a half per cent. on the whole amount of bounties claimed.

In order to make the frauds which were practised against the colony intelligible, it may be necessary to mention, that every emigrant was required, by the regulations of the London commissioners, "to furnish himself with a certificate of health, age, character, and other requisite particulars, signed by a medical practitioner, and by two householders of repute, which signatures were certified either by a clergyman, or magistrate, or both. These certificates, when duly prepared, were sent to the office of the Colonial Land and Emigration Commissioners, and there examined;

or in case any deficiency in the number of persons embarking occurred on the eve of the sailing of a vessel, the government agent, at the port of embarkation, had the power of examining and passing these certificates. It was the duty of this last mentioned officer to inspect the emigrants before their departure, and to compare their appearance and their own representations of themselves, with the statement on the face of their certificates. If satisfied that the individuals were such as they were represented to be, he allowed them to embark, but not otherwise.

Notwithstanding these precautions, however, the grossest deceptions were practised, and were either not detected, or were suffered to escape detection, by the agents at the different ports of embarkation. Mr. Merewether, Resident Agent for Emigration, and Chairman of the Immigration Board, by whom the immigrants were examined before the bounties were paid by government, speaking generally of the immigrants who had arrived in the year ending May 1842, says, "that neither physically nor morally have they been of so good a description as might have been chosen, and as the colony had a right to expect." In answer to the question, "In what respect do you consider them ill-selected?" he replies, "Many of the single women have been proved to be of notoriously bad character; and many also to have been of a class much above that prescribed by the regu-

lations, and in every way unsuited to the present demand in the colony. Amongst the men, the immigrants whom I characterize as ill-selected, have been a number of those imported under the description of 'agricultural labourers,' which appears to have borne in England a most comprehensive signification, and to have included every grade of persons not mentioned in the bounty regulations, from classical tutors, down to lumpers and hodmen. I do not think that one third of the number calling themselves agricultural labourers were really such.

From a very large number of cases detailed in evidence before the committee, a few may be quoted, to show the peculiarly flagitious nature of some of the frauds attempted :—

1. "One woman, as appeared from her own statements to the Board, had been induced, by a clerk in the office of a sub-agent employed by a ship-owner to collect immigrants, to pass herself off as the wife of her own son; and one berth had been appropriated to herself and her son as man and wife."

2. "Another woman, who came out as a single female, was found to be a married woman, but discarded by her husband, in consequence of bad conduct, and allowed £30 a year; while on board, she conducted herself as a common prostitute; 'the constable on board took no steps to prevent such conduct, as she had an apartment of her own parti-

tioned off from the other emigrants, for which accommodation she paid the agent.' "

3. " It was a fact, that in more than one of the ports of embarkation, parties connected with the business of collecting and shipping emigrants, and even some of those whose office called them to be protectors of these poor people, actually provided themselves with concubines from the emigrants, whom they kept until the departure of the vessel, when they were packed off, in many cases, *en famille*."

4. " One man, stated in his certificate to be a *blacksmith*, proved to be a *ladies' shoemaker*, and was employed as such in Sydney; this man stated on oath that the certificate produced in his favour 'was filled up by a clerk in the selecting agent's office; that he knew nothing of the signatures attached to the document, and that the signature purporting to be his own was not written by him.' "

5. " Another flagrant case is thus detailed by the immigrant himself. 'I went, accompanied by my brother, to Mr. ——, the agent in ——; he told us we could go out as agricultural labourers, on payment of £1 each; we got certificates from him, to which we signed our names; we then asked him if we were to get the other certificates; he said not,—there was no use in putting us to that trouble, as he would do all, if we paid 6*d*. for each signature. Mr. —— put his own name down as one of the respectable householders. The Thursday

before we left, I went, accompanied by my mother, brother, and sister to Mr. ——, the commissioner's agent; on our way, Mr. ——, the clerk of the selecting agent in ——, asked us if we knew the names which were signed to our certificates. We replied, we did not; he then handed the certificate to us, and desired us to see, as the commissioners' agent might ask us. I never was an agricultural labourer; I was a clerk in a shipping office; my brother is a draper; my sister was never in service; she left school to come out here as a bounty immigrant.' "

6. "The following account is given by another immigrant, who applied to the selecting agent in ——, for a passage:—' He told me a ship was to sail in about a week, and that he would have a certificate filled up for me, if I would let him have 6*d*. for the doctor. I do not know who the medical man was, but I heard he used to attend at the —— inn, for the purpose of signing certificates for persons desirous of emigrating . . . . We were taken before the commissioners' agent, for the purpose of being passed by him. I had been previously prepared for this interview by the selecting agent's clerk, who directed me to give the following account of myself:—' that my father was dead, and that my mother had sailed for Australia in the ——. The commissioners' agent asked Mr. —— if my mother had sailed, as was stated by me; and Mr. —— said:—she had, he believed. In the evening, the

selecting agent's clerk came to the place where the intending emigrants were lodging, and a conversation passed between him and me, with some others, relative to the characters required. The clerk then addressed himself to a young woman, and asked her: if she had lived nowhere? She replied, she had lived with Mr. ——, but she could not get a character from him, as he would not permit her to start for Australia, if he knew such was her intention. He then requested me to write a character for the girl in her late master's name, which I refused to do, saying that it would be forgery. He then asked a young gentleman standing near me to write it for her. The young gentleman refused to write a character for her in another's name, but consented to write a copy of one, according to the clerk's dictation, which he (the clerk) said he would transmit to Mr. ——, (the selecting agent at another town) that he might put it into the post-office there. The clerk said the one character would answer all, (meaning me and the four others included in the same certificate) and, therefore, required 10*s.* from me for the selecting agent in ——, as a reward for posting the character; adding, he could not be expected to endanger himself without obtaining some remuneration. I also gave him £2 to purchase things, he said, I should require on the passage. I paid him £6 for the perfecting the certificates, including my own name and those of the other four.'"

It is but right to state, that the "*6d.* a signature" system alluded to in the foregoing statements, was only *proved* to have existed in the case of one house. The following abstract from the Report of the Local Immigration Board, shows a degree of systematic villany, which it is difficult to contemplate without a shudder.

7. "The manner in which unmarried females are represented to have been shipped, without reference to character or to qualifications, by the person to whom Messrs. —— entrusted the selection of the immigrants imported by them, during this season, is so disgraceful, that we should have been inclined to receive the statements made in the course of our inquiries as exaggerated, but for the affidavit of —— (see above, No. 4;) not that we are surprised that but little attention has been paid to character, in the selection of females; but we could not have supposed that the evil, found by us to exist, was of so shameless and so base a character. The statements to which we refer, are on the evidence of four persons, from which we consider the following facts to be fully established:— 'That the clerk of ——, agent, has been more than once heard to say, that so long as he got his number of single women, he did not care if he took them from the streets.' 'That the same clerk has encouraged women of the worst character to emigrate under bounty permission.' 'That the same clerk was in the habit of getting certificates pre-

pared in a manner nearly approaching to forgery.' One of the witnesses states, that 'all individuals had to do, was to say that they would go, and this clerk would make it right for them.' 'The same clerk has been in the habit of directing single men who applied for a passage, to obtain from the streets or brothels, or whence mattered not, the requisite appendage of an unmarried female.'"

Such nefarious practices, as was only natural to expect, aroused the warm indignation of the colonists. It was true, that the pecuniary loss, in every case of fraud which was discovered, fell upon the importers; but to say nothing of a large number of cases, which were either not detected at all, or not until some time afterwards, the presence in the colony of so large a number of unsuitable persons as were really discovered to have been imported, was felt to be a serious evil. One mischievous effect has been that a great number of tradesmen have been for some time past crowding the streets of Sydney, occasionally almost besieging government house, and clamouring for employment; while the very presence of numbers of these persons is a proof of the extent to which the fraud and forgery of the selecting agents was carried. Humanity, indeed, teaches us to feel for the sufferers, but it is impossible not to recollect, that the colony was imposed on when the bounty was taken for them, and that they were themselves participators in the imposture. It is undoubtedly true, that many virtuous

persons are at present suffering from the depression of the times, to whom these remarks cannot be applied; but this only places the mischief more prominently in view; for it cannot but be felt that the scarcity of employment of which they complain is an obvious consequence of the unscrupulous and ruinous measures by which the labour market, in some departments, has been overstocked.

With respect to the unmarried females, several cases have transpired of a truly deplorable character. Besides the actual number of undoubted prostitutes who have been added to the colonial population, numbers of young women were shipped, by the instrumentality of such men as the clerk mentioned in the Report of the Immigration Board, who, though not positively of bad character, were totally unfit for the colony, and arrived on its shores without any prospect of employment. There are, at this moment, scores of well-educated young women in Sydney, who were tempted to come out by these kidnappers, unable to procure adequate support; and though some of them honourably struggle to earn a few miserable pence by their needles, or by a paltry school, too many have been driven by despair, and by the want of a home, to the paths of shame and infamy.*

* In connection with this subject, it would be unpardonable to omit noticing the disinterested exertions made by Mrs. Chisholm, in favour of the unprotected and friendless females, who have latterly been landed in such numbers on our shores. Alluding to the friendless females mentioned

It were to be wished that this tale of deception and mischief could be closed with the embarkation of the immigrants. Unhappily, however, the disclosures made respecting many of the ships, left no room to doubt that, from the moment of the vessel leaving the port of embarkation, it became a scene of riot and debauchery of the most disgusting character. In making a statement of this sort, it is no more than just to give the names of those vessels respecting which facts of this nature transpired, and from the officers and surgeons of which the usual gratuities were consequently withheld. It appears from a return, appended to the Report of the Immigration Committee for 1842, that gratuities were either totally or partially withheld from the officers and surgeons of the following ships: 'Queen Victoria,' 'New York Packet,' 'Albatross,' 'Carthaginian,' 'Mathesis,' 'Agnes,' and 'Sir Charles Napier. The only exception appears to have been,

in the text, Mr. Merewether, agent for Immigration, observes, in his report for 1841, that "this lady generously came forward to rescue these poor creatures from ruin and misery, and has, for the last seven months, single handed, and at an entire sacrifice of time and comfort, been labouring to obtain situations, for any, or all, who made applications to her. She has deserved my thanks in my official capacity, and I am anxious thus to record them." It is gratifying to add, that Mrs. Chisholm's active and disinterested exertions on behalf of the unemployed poor of all classes, continue unabated to this hour, and have caused her name to be held in the highest reverence throughout the colony.

the surgeon of the 'Sir Charles Napier,' the master of the 'Albatross,' and the subordinate officers of the 'New York Packet,' 'Albatross' and 'Carthaginian.' Dr. Tierney, the surgeon and superintendent of the 'Sir Charles Napier,' deserves honourable mention for the manly way in which he appears to have come forward to expose the gross frauds which had been practised in the shipment of the emigrants, and the "immorality" which had "prevailed to a disgraceful extent during the passage," and which he had in vain endeavoured to repress. In consequence of Dr. Tierney's representations, which were supported by the most respectable of the immigrants, his Excellency refused to sanction the payment of any bounties on the immigrants by the Sir 'Charles Napier.'*

It appears, however, that many ships were much more scandalous in respect of morality than the 'Sir Charles Napier.' The sale of spirits to the immigrants on board, was, in many cases, proved to have been carried on to a shameful extent. On board the 'Agnes,' one immigrant, whose certificate declared him to be a "farm servant," was proved to have been a purchaser of spirits, wine, tobacco, and provisions, to the amount of £13. 4*s.* 9½*d.* Another man, having exhausted his stock of money, was allowed to continue to purchase unnecessaries, on leaving his watch in the hands of the mate. On board the 'Duke of Roxburgh,' several of the

* A portion of these bounties has since been paid by permission of the Home Government.

unmarried females conducted themselves in a most disorderly manner; and it turned out, on inquiry, that they had been taken from the Newington workhouse, and that some of them had undoubtedly been prostitutes from an early age.

In their report, the committee very justly attribute much of the immorality which prevailed on board some of the ships to have arisen from the appointment of men to the important office of Surgeon-Superintendent, who, from their youth and inexperience, were often totally unfit for the control of a large number of persons. It was in the hope of inducing gentlemen of the medical profession, of superior qualifications, to engage in the emigration service, that the committee of 1840 recommended the payment of a gratuity to the Surgeon-Superintendent, amounting to 10*s*. 6*d*. for each approved immigrant landed in the colony. It was soon discovered, however, that this provision had been perverted from its proper design, and had gone to swell the profits of the emigration agents, who were known to have required, in very many instances, a guarantee from the surgeons, that they would pay a sum out of their expected receipts for their own passage. In some cases, the surgeon was even required to pay for his passage before embarkation. Not unfrequently, in consequence of these arrangements, the surgeons became participators in, or, at least, silent spectators of the frauds of the agents; as they were bound by the articles of their agreement, some

of which the Local Board succeeded in procuring, "to assist in passing the emigrants so as to procure payment of the bounty." An instance occurred in the case of the 'Queen Victoria.' The account is taken from the Report of the Immigration Board:—

"The next case, that of J. C. and C. W. is one in which, we regret to say, fraud is combined with neglect. These parties appear to have been received on board as man and wife, and according to the surgeon's statement, they slept together for some weeks, when they quarrelled, and declared that they were not married. They were then separated, and C. W. took her place among the single women. Certificates were then fabricated on board, under the direction of an individual, who acted as attorney for the agents in London, and such signatures as are usually attached to these documents were inserted. These certificates were deposited in the office without comment, and J. C. and C .W. were passed by the Board as single people of good character, without a remark from any of those persons present who were aware of the circumstances of the case, except that when C. W. was found to be without the requisite protection, the surgeon came forward and said, that she had been under his special care."

In the case of one vessel, a person had been appointed to the office of Surgeon-Superintendent, who was grossly incompetent, both from professional incapacity, and irresolution of character, to

discharge the duties of his responsible situation. A surgeon was also sent out with another ship, whose conduct appears to have been the subject of severe animadversion. In a Report from the Immigration Board, we find the following sentence: "We must express our surprise, that a person so ill-educated, and of so ill-regulated a mind, as his letters to us show him to be, could have been appointed to so responsible a situation, or that he could ever have been in possession of such testimonials as would admit of his application for such employment being entertained."*

Complaints were also made by immigrants that they had been ill-treated in various ways by the surgeons and officers; one case, in particular, was the subject of a trial before the Supreme Court. A single female, who, though of a peevish disposition, appears to have been of good moral character, had, on two occasions, been brought on deck and hand-cuffed, when buckets of water were thrown upon her by the surgeon and the captain; she had afterwards been kept on the poop in her wet clothes until after eleven o'clock at night. The only provocation alleged for this inhuman treatment was some paltry dispute about cleaning a mess-kid. The surgeon and captain were imprisoned six months, and fined £50 each;

* On account of the bad conduct of the surgeon and captain of the vessel referred to, and the insufficiency and bad quality of the provisions, not only the gratuities of the officers, but also the bounties, were refused.

in addition to which their gratuities were withheld by the government.

In consequence of such circumstances as have now been mentioned, it became necessary to devise some plan for the better regulation of immigration, in the event of its being revived. It was accordingly recommended that the ships employed in the service should in future be provided, fitted out, and victualled by contract; one half of the contract money to be advanced in England, and the other half paid in the colony, on the surgeon's reporting favourably as to the performance of the contract. It was further recommended that the business of selecting emigrants should be entrusted to officers under the superintendence of the colonial land and emigration commissioners, and paid by the colonial government by head money on every approved immigrant landed in the colony. And with regard to the Surgeon-Superintendent, it was proposed by the immigration agent, and recommended by a committee of council, that he should be nominated by the colonial land and emigration commissioners, who should require certificates, not merely as to the professional qualifications of the candidate, but also as "to his character for humanity, decision, uprightness, and self-respect." That, after nomination, he should be required to present himself to the medical officers of the Board of Admiralty, and that his final appointment should depend on the report of those officers.

The subject of immigration will be resumed, when the proceedings of the new Legislative Council are brought under review. In the meantime, the reader's attention must be invited to other subjects of importance connected with the history of the period under consideration.

SECTION IV.

DISCONTINUANCE OF TRANSPORTATION.

A History of Transportation, including details of all the methods which have been adopted in the American and Australian colonies to render it efficacious as a secondary punishment, would form an interesting and valuable work. Even an attempt to give such details would be incompatible with the limits of these volumes; nevertheless, the subject of transportation is one which at present occupies so considerable a share of public attention, that a mere account of the circumstances immediately connected with its discontinuance would hardly be regarded as satisfactory. It will be proper, therefore, to give in this place a succinct account of the great penal experiment which has been instituted in New South Wales, and Van Diemen's Land, in order to render intelligible the inquiry which will subsequently arise, viz: whether the circumstances which led to the discontinuance of transportation to the elder colony

are inseparable from the nature of the punishment, or have been developed rather by the lax and inefficient mode in which the punishment has been administered?

This question, the importance of which cannot be over-estimated, admits of a two-fold discussion, according as transportation is viewed, as a mode of punishment, or as an instrument of colonization. The former view is more readily taken by residents in Great Britain, the great majority of whom consider transportation simply as an outlet for the overflowing of the criminal population, its punishment consisting chiefly in the exile from country, and entire disruption of associations which it involves. To persons of sensibility and moderate education, this appears a truly dreadful punishment, and nothing further is requisite to convince such persons of its efficacy as a deterrent. But besides the prevention of crime through the operation of terror, which is the primary object of all punishment, there is or ought to be, in the institution of secondary punishments, another object in view, viz: the restraint and ultimate reformation of the criminal. It is in this latter view of the subject that the free settlers in a penal colony feel most deeply interested.

In order to enable the reader, as far as possible, to form an independent judgment on these questions, his attention is invited to the following account of the mode in which the punishment of

transportation has been adhibited in the only two colonies where it has been tried on a large scale; premising only that the general principles pursued both in New South Wales, and Van Diemen's Land were the same; the differences existing only in minute details adopted by different Governors which do not affect the main question.

In the act of the imperial parliament (4 Geo. I. c. 11) the first trace of the system of transportation is to be found. The preamble of this act recites the great scarcity of labour which existed in his Majesty's plantations in America, and provided for the supply of this scarcity by the transport of convicts from Great Britain.* The revolt of the American colonies, in 1776, compelled the imperial government to devise other schemes for the disposal of criminals, and it appears from several acts passed about that time, that government was considerably perplexed on this matter. By one of these acts (19 Geo. III. c. 74) provision was made

* Transportation to America was arranged in a very different manner from that practised with respect to New South Wales. When government wished to get rid of a number of convicts, parties were always found willing to contract for their transport, on condition of being allowed to dispose of them among the settlers, who purchased their services from the contractor, to which services they became entitled until the term of transportation expired. Even if the royal prerogative of mercy were extended to the criminal, he could not avail himself of it, until his master was reimbursed for the sum he had originally paid for his services.

for the erection of two penitentiaries, for the confinement of offenders convicted of crimes for which transportation had been usually inflicted, who were to be " ordered to solitary confinement accompanied by well regulated labour and religious instruction," a course of moral and physical discipline, which it was hoped " might, under Providence, be the means, not only of deterring others from the commission of the like crimes, but also of reforming the individuals, and inuring them to habits of industry."

These passages quoted from the Act of 1779, show that the legislators of that age were by no means ignorant of the nature and legitimate design of secondary punishments, though they doubtless were not actuated by the sentimental philanthropy of the nineteenth century, that more active kind, of which the life of John Howard furnishes so striking an example, being in greater repute; and it is a peculiarly instructive fact, that notwithstanding the passing of this act, the penitentiaries were never erected; the government having on mature deliberation, decided, that transportation, both as a deterrent, and as a reformant, was the best secondary punishment that could be devised. This decision certainly is not formally announced in any statute;* governments do not intentionally

* In a paper on secondary punishments, by D. D. Heath, Esq., published in the appendix to the report of the transportation committee of the House of Commons in 1837

place on record any evidence of their fallibility; but that such was the general impression of enlightened men at the close of the last century, may be inferred from the satisfaction with which the departure of the first fleet to the eastern shores of Australia in 1787 was hailed by the British public. This settlement was formed with a threefold design, viz: 1st. To rid the mother country of the presence of convicted criminals. 2nd. To provide for the safe custody and punishment of those criminals. And 3rd: To form a British colony out of those materials which the reformation of those criminals might gradually supply to the government, in addition to the families of free emigrants, who might, from time to time, be induced to settle in the newly discovered territory.

the following passage occurs: "This short summary of the history of transportation tends to show, that its adoption does not rest upon any broad and deliberately sanctioned principle; that its origin was owing to that state of things in the American plantations which led to the illegal kidnapping of Europeans, and to the legalization of the slave trade; and that its continuance was forced upon government against its wishes by the immediate pressure of events." It is difficult to conceive that the author of such a passage as this had any other intention than to throw dust into the eyes of the public. He cannot mean seriously to assert, that the foundation of this colony was forced upon government against its wishes, or that the continued transportation of criminals hither did not give a deliberate sanction to the broad principle stated in the text.

It must be admitted that the first of these objects has been fully attained.

Transportation secures to the mother country this advantage, above all other modes of punishment, that the criminal is altogether removed from the scene of his crimes, and gangs of thieves are by this means often completely broken up. With regard to the second and third, however, it cannot be denied, that the designs of the imperial government have not been realized to the extent which might have been accomplished, had the details of the system been well considered from the first, instead of being evolved by the slow and harassing operation of circumstances.

For many years after the foundation of the colony, as the reader is already aware, convicts were not sent from the mother country in greater numbers than could be employed under the immediate superintendence of government. By degrees, however, the arrival of free settlers with capital opened another field for the disposal of the convicts, and the system of assignment insensibly came into operation. Assignment, however, was permitted only to a limited extent for many years, government always retaining large numbers for employment on public works and roads. Almost all the great thoroughfares of the colony, and many of our most useful public buildings, were completed by convict labour, during the administration of Governor Macquarie. The

mother country, however, began to perceive, that the course which had been pursued was not likely to effect the original design, and that in the meantime, an enormous expense was incurred, in return for which no advantage was received, except the negative one of getting rid of her redundant criminals. Accordingly, it was considered expedient to afford every facility to the assignment system; and, as has been mentioned before, Sir Thomas Brisbane was empowered to grant lands to free emigrants, of extent proportionate to the number of convicts their capital warranted them in undertaking to maintain. The result of this facilitation of assignment was, that in a very few years, the government had not a single male convict to dispose of.

It will now be necessary to explain more particularly the system of assignment.

Though the imperial government had from the first perceived the efficacy of transportation as a punishment, it is nevertheless a remarkable instance of oversight, that no provision was made at the time when the first settlement was formed in Australia, nor for some years afterwards, by Act of Parliament, for securing the person or services of the transported convicts.* By instructions from

* The old transportation Acts, which had been passed with reference to America, could not apply to Australia. In the latter country, there were no settlers waiting to purchase the services of the convicts; and instead of being

the Secretary of State, indeed, the Governor was authorized to employ the convicts according to his discretion; but the opinion of eminent lawyers has been, that such employment by the Governor was illegal, no authority but that of Parliament extending to the life or personal liberty, even of convicted criminals. The sentence pronounced by the judge is, that the offender shall be transported "to such other part of her Majesty's dominions beyond the seas as her Majesty shall be pleased to appoint," and the further disposal of the convict was formerly left as a matter of official regulation, though there can be no doubt, that on his arrival in the colony, he was, legally, free to dispose of himself as he pleased, being obliged only to continue in banishment until the expiration of the period named in his sentence. This defect in the criminal code of Britain was remedied by the Act of 5 Geo. IV, c. 84, commonly called the Transportation Act, which defines the power of the Secretary of State to appoint a place within his Majesty's dominions to which the convict shall be transported. It further provides, that on his arrival in the

taken out by a contractor, who accepted the power of sale of the convicts' services as an equivalent for the cost and trouble of their transport, the convicts were, in the first instance, sent out in charge of the Governor of the colony, an officer who was not recognized in any Transportation Act, in existence at that time, as having any control over the services of the convicts.

country he shall be delivered over to the Governor, who shall have a property in the services of such convict, and who may assign such convict over to any resident within the colony, who shall have a like property in the services of the convict for the term of his transportation, with a power of assigning to any other person, with the assent of the Governor, each assignee having a property in the services of the offender.

The Assignment System having been thus legalized, it began to be brought into very extensive operation. A Board, consisting of several government officers, was appointed, whose duty it was to receive applications from parties desirous of employing convict servants, and to assign these convicts to the parties whose applications were approved, on a scale in conformity with the government regulations, according to the grant of land they possessed, excepting of course those who were assigned as domestic servants, in which case no reference was made to land or property of any kind. On the arrival of a transport, the port-master proceeded in a boat, and boarded the vessel, examined into the state of the prisoners on board, and left strict instructions prohibiting any intercourse whatever with the shore. On his return, the Colonial Secretary, accompanied by a medical officer, proceeded on board, and inquired into all particulars connected with the convicts, who were drawn up for his inspection, and espe-

cially whether there were any complaints, either on the part of the convicts, or on the part of the Master, the Surgeon-Superintendent, or the officer of the military guard. The Colonial Secretary then returned to the shore, and reported to the Governor. He was accompanied or followed by the Surgeon-Superintendent, who presented the official despatches from the Secretary of State.

These included what was termed the *Indent*, being a nominal list of all the prisoners on board, their period of sentence, and, in the case of Irish transports only,* the crime for which they were transported. The surgeon also presented a return, prepared by himself in accordance with instructions received at home, showing the name, birth-place, age, crime, period of conviction, place of sentence, marriage or otherwise, extent of education, character from gaoler, character from the hulk, alleged qualifications for employment, and lastly his behaviour on board the transport. The surgeon usually added to this any information which he had been able to collect from the prisoners themselves during the voyage. The Assignment Board then assembled, and the above mentioned returns were placed before them by order of the Governor, by

* A great number of the convicts who arrived from Ireland were expatriated for political, rather than moral offences, which circumstance being known to the Governor, he was enabled to act on that knowledge at a future time for the benefit of the prisoner.

which they were guided in apportioning the convicts among the applicants. A certain portion were retained for immediate employment on public works by government, the remainder were assigned to private service, among the country settlers, or among the town population.

On receiving the convict from the hands of government, the assignee paid £1. for the bedding and slops with which the convict had been already furnished, and undertook to supply him with food and clothing according to the following scale, viz: 12 lbs. wheat, or 9 lbs. second flour; or, in lieu thereof, at the discretion of the master 3 lbs. maize meal, and 9 lbs. wheat, or 7 lbs. second flour; 7 lbs. beef or mutton; or 4½ lbs. salt pork; 2 oz. salt; 2 oz. soap; two frocks or jackets; three shirts; two pair of trowsers; three pair of shoes; one hat or cap. It is scarcely necessary to observe, however, that almost every master allowed his servants more than the quantities prescribed by government, besides various indulgences, such as tea, sugar, and in most cases, tobacco. The advantage of these extra allowances was obvious; for not only was the convict stimulated to exertions which far more than compensated for the trifling additional outlay, but the master was furnished with a mode of punishing his servant for minor offences, by restricting him to the bare government rations.

With regard to the convict himself, before being

delivered over to his future master, he was made clearly to understand the circumstances in which he would thenceforward be placed. Any dreams in which he might have indulged, of a life of bliss in a land of milk and honey, or "of peaches and pound notes," were at once dissipated. He was reminded that the situation he occupied was the consequence of his crimes; but, that notwithstanding his present degradation, it was in his power, by continued good conduct, to redeem the character he had lost. It was also explained to the convict at what periods his conduct would entitle him to indulgence; he was also told that government had provided for his being supplied with a proper allowance of food and clothing, and that his master would be expected to comply with the regulation in this matter; while he, on his part, would be expected to give the whole of his time without further remuneration. He was warned, in conclusion, that a code of laws had been enacted for his peculiar circumstances, which rendered him liable to summary conviction before one or two justices of the peace, and punishment by flagellation, or being sent to work on the roads, for neglect of duty, insolence, drunkenness, pilfering, absconding from service, &c. &c. The assignment list being then signed by the Governor, the men were distributed accordingly.

Having provided the convict with food, clothing and lodging, and having established the summary

jurisdiction just mentioned as a check upon his conduct, while at the same time he was himself at liberty to complain to any magistrate, if he was harshly treated, or defrauded of his allowances. Having set the machinery of this system in motion, government appears to have considered that nothing farther remained to be done. It seems to have been taken for granted, that every assignee would, as a matter of course, and for the promotion of his own interest, do all that in him lay to aid in reforming the convict; and consequently that any interference on the part of government, in the shape of moral regulations, would have the ungracious appearance of an intrusion on the domestic arrangements of private individuals.

There can be little doubt, that to this false delicacy, to use no stronger term, the colony owes the loss of convict labour, while the mother country will be subjected to the expense of maintaining a large number of prisoners within the walls of the penitentiaries, or be compelled to found new penal colonies. But perhaps this assertion may require some explanation. In order to show, that government would have been fully justified in prescribing the most minute regulations for the management of the convicts in assignment, and in providing for their religious instruction, these two things may be mentioned: 1st. The presumption that men, as a matter of course, will attend to their own interests, argues a very deficient knowledge of the human heart. Even admitting that men

always knew the course which their interest required them to pursue, the number who have strength enough to maintain that course regardless of the suggestions of passion, and the influences of an evil world, are few indeed. And, secondly, the interference of the government in the management of assigned convicts could under no circumstances have been regarded as an intrusion. It was, on the contrary, a sacred duty. The convict, having forfeited his liberty to the laws of his country, is reduced as it were to a state of pupillage under the government, which is responsible to God for its management of this charge. If in consideration of the maintenance of some of these "infants," (for such, *in law*, are convicted felons), government foregoes for a time the right to their labour, it is not thereby absolved from the moral charge which had also devolved upon it. Government is bound to provide for the religious instruction of convicts, precisely on the same principle that a father is bound to provide it for his children, though some be rebellious; and as a father, who binds his son as an apprentice, (thus placing him in *assigned service*), is bound to provide that the master to whom he is assigned is a man of character, who ruleth his house in the fear of the Lord; so the government, in transferring the services of the convict, were bound to provide, with a view to their reformation, that they should at least be placed

within the influence of the ordinary means of grace.

No such provision, however, was made by government. The principal qualification required in assignees was property. The man of acres, the man of flocks and herds, the man of bank credits, were presumed to be men of respectability; whereas many individuals who could boast of all these qualifications, deserved rather to be in the situation of their assigned servants, than holding the responsible position of masters. It is notorious, that many persons applied for, and obtained assigned servants from government, who were utterly unworthy of so important a trust; and the consequence was, that the Assignment System, instead of being a means of restoring the convict to society, a wiser and a better man for the discipline he had undergone, was in many cases made a mere instrument of gain in the hands of avaricious and unprincipled men.

The importance of these remarks will appear more evident when it is remembered, that for more than thirty years after the establishment of the colony of New South Wales, the principle seems to have been acted on, which was unhesitatingly avowed by Governor Macquarie, "that the colony was made for convicts, and for convicts only." The fallacy of this principle has been already exposed in this chapter. It is, however, not the less true, that on this principle the colony

was governed for more than thirty years; and though assignment in those days was only permitted to a comparatively small extent, yet even while immediately under the eye of government, scarcely any attention was paid to the religious instruction of the convict.

In the meantime, though the expiration of sentences, and the granting of indulgences and pardons was fast raising up a freed population; it never seemed to have entered into the calculations of government, that the establishment of such a hive of ruffians and desperadoes, even in a distant region of the world, was a grand nuisance among nations, which, but for the subsequent influx of free immigrants, might have grown to a fearful magnitude, and have become, at a future date, the Algiers of the Southern Hemisphere. It is, in fact, difficult to find appropriate terms, adequately to characterize the culpable and short-sighted policy pursued by the mother country towards New South Wales, so far at least as regards the management of convicts. No sooner did free immigration commence, than the necessity was immediately perceived of providing religious instruction, but this necessity seems not to have been supposed to exist in the case of the convict population, whether actually under sentence, or emancipated; or, at all events, if its existence was admitted, no one seemed to think of taking any charge concerning it.

The government not having thought it necessary to issue any regulations for the moral management of the convict; the assignees, in a vast majority of instances, followed the negative example set before them. Instead of receiving his convict servant as a charge with which a peculiar responsibility was connected, the master, too generally took no interest in his welfare, beyond what was necessary to secure the performance of a certain amount of labour. The men were lodged in huts removed from the master's eye; and if they did their work, they got their rations, as their fellow labourers, the horses and bullocks. Under such a system, or rather absence of system, it cannot be a matter of surprise that instances of reformation among the prisoners should have been very rare, or that crime should have prevailed in the colony to a fearful extent.

On most of the large estates in the colony, the servants were lodged in huts erected at some little distance from the proprietor's residence; four men usually occupying each hut. In these huts, the proprietors generally required their men to be housed by eight o'clock in the evening, and the fact that they were so was generally ascertained by actual inspection; but it was found totally impossible to prevent the men from going out afterwards. Some few convicts were, indeed, found to occupy their leisure in plaiting hats of the split leaf of the cabbage-tree, or in

other similar employments, which were always encouraged, on the ground of their keeping the men out of mischief,—though the money obtained by the sale was left at the convicts disposal, and was too often wasted in gambling, or drinking. Had masters only permitted this occupation on condition that the money should be laid up till the expiration of the probationary period, when the convict would become entitled to indulgence, a small capital might, in almost every case have been created sufficient to have enabled the man to avail himself of the full advantages of his ticket-of-leave. But it was only a few of the convicts who were found disposed even to this species of work. The majority of them found means to gratify their appetites by petty plunder, either of their own masters or of others, and they had unfortunately great facility in disposing of the stolen goods to a set of men who were to be found upon the borders of every large estate, and who were known by the name of *squatters*. These were ticket-of-leave holders, or freed-men, who erected a hut on waste land near a great public road, or on the outskirts of an estate where a number of convicts were employed, and immediately became the nuisance of the district. The convicts were supplied with liquor in exchange for property when money could not be procured; they had also facilities

of meeting with women, particularly the black gins—the complaisance of whose husbands was to be purchased by a little tobacco or rum; and lastly, in these dens of iniquity, robberies, and often worse crimes were concerted, and the booty concealed.

The evils arising from this source have been already noticed in the account given of the growth of the pastoral interest; the regulations which were issued, as the reader is aware, put an end to squatting within the boundaries of location, and reduced it to a system without the boundaries. But the evil was the natural result of the loose management which prevailed in most of the large establishments; the temptation offered by the "sly grog shop," was too much for the moral fortitude of men, most of whom had passed through every grade of dissipation, and who were subjected to no efficient control, not to speak of reformatory discipline. The fear of summary punishment was undoubtedly operative to a certain extent; the men, when kindly treated, would do a certain amount of work, and, generally speaking, kept within some kind of bounds in their midnight excursions, and had some compunctions in the matter of plunder; but whatever good might have been done by judicious masters, limited as that could but be in the absence of systematic religious

instruction, was entirely destroyed by the pestilential miasma arising from the "sly grog shop."*

* "There are several parties of squatters in my neighbourhood. I detected, not long since, three men at one of their stations in the act of slaughtering one of my own cattle. I have strong reason to suspect that these people are in general, illicit sellers of spirits. I had occasion to search one of their huts some time ago, at a considerable distance from my own place, and found in it many signs of its being a grog-shop, such as an empty keg, empty bottles, and measures;—the latter, however, might have been used for ordinary purposes, as well as for measuring spirits, together with a number of orders drawn by overseers of large establishments in the neighbourhood on the proprietors for small sums of money, but amounting in all to about one hundred pounds. The owner of the hut had no ostensible means whatever of getting these orders honestly. I can, of course, say nothing of this man's character from my own observation, having never seen or heard of him before, but I have not the slightest doubt, judging from the circumstances observed on this occasion of the correctness of the common report of his being a 'notorious grog-seller.' Many of the small settlers are also in the habit of selling spirits; but it is most difficult to obtain proof against them. I consider that the greater part of the crimes committed in the interior arises from the sale of spirits; many persons dispose of it in quantities not less than two gallons at a time, thereby avoiding the penalty of retailing without a license. This large quantity is obtained by a number of convicts and other servants clubbing together for its purchase."—*Evidence of T. A. Murray, Esq., J.P. before Committee of Legislative Council on Police and Gaols*, 1835.

"These persons (squatters) are almost invariably the instigators and promoters of crime, receivers of stolen

But, as if the mischief could not spread fast enough, a government order was actually at one time issued, authorizing settlers to pay ticket-of-leave and freed-men for one third of their labour in liquors, if they chose to accept it. So little discrimination had the majority of the assignees, that this practice had grown to a disgraceful extent, before government took any notice of it. At length, informations having been laid against several gentlemen for selling spirits without license, the matter was investigated, and as the parties informed against chose to represent that "nothing could be done without a little rum," the Executive most considerately legalized that ruinous custom, and thus threw an additional obstacle in the way of the eventual reformation of the convict or emancipist. While such things were tolerated, can it be wondered that the con-

property, illegal venders of spirits, and harbourers of runaways, bushrangers and vagrants. The congeniality of habits between master and man, the absence of all restraint, and the predatory life they lead whilst collecting stolen cattle, has a charm for them which even considerably higher wages in the service of respectable employers will not induce them to quit. They keep up a constant intercourse with our assigned servants, and knowing the weak points of each establishment, seize their opportunity, and commit depredations, particularly upon cattle, with impunity. I am convinced that all the petty pilferings occurring on our properties might be traced, directly or indirectly, to the agency of these squatters."—*Evidence of W. H. Dutton, Esq. J.P., before same Committee.*

victs in assignment often grew worse instead of better; and that the population gradually formed out of such elements should have exhibited a moral appearance disgusting and humiliating in the extreme?

But the list of abuses of the Assignment System is far from being complete. Even in the remote districts, which have as yet been chiefly noticed, those familiar with the details of the system will readily call to mind other evils which had become so mixed up with it, as almost to have been considered its inseparable adjuncts. The bad example of many of the masters, the tyranny of some, the culpable facility of others, were fruitful sources of corruption, in the one case tempting the men to crime, in the other exasperating them to revenge, which was often satiated only by the barbarous murder of the obnoxious master; while gangs of desperadoes were collected in the bush, consisting of convicts who had fled from their assigned service, and who spread terror and destruction through the whole country. To multiply details on this subject would be unnecessary. It must be perceived, that tyranny on the one hand, and indulgence on the other, were but natural consequences of the policy of government, which consigned the convicts to the arbitrary authority of men too often utterly unfitted for such responsibility.

It was, however, in the towns that the Assign-

ment System was most grossly abused. Parties frequently obtained, as assigned servants, convicts who understood a particular trade, which trade they were furnished with means of carrying on, and the assignee shared largely in the profits. Men under sentence as convicts were thus foisted into society as free-men; their condition, instead of being one of punishment, became one of comparative independence; the accounts of such things when received in England, operated as an incentive to crime; and a system of wholesale bribery was established which destroyed any benefit that might have resulted from a police already the most wretched and inefficient in the world. In fact, the assignment of convicts as servants in towns was a most dangerous practice, adopted at first from the impossibility of procuring free servants, but continued from a wretched desire of gain, a determination to make money by any means however vile.* In a Report from Colonel Wilson, first police magistrate of Sydney, appended to the Report of the Committee of the Legislative Council on Police and Gaols in 1835, the following passage occurs:—

"Sydney now covers an area of more than

* It is a revolting fact, that individuals were to be found, who did not disdain to receive the wages of prostitution, earned by their female assigned servants; yet these wretches were neither pilloried nor hooted from the colony.

two thousand acres, and contains a population probably of twenty thousand souls. This population includes a great proportion of prisoners of the Crown of both sexes; persons whose passions are violent, and who have not been accustomed to control, and yet, for the most part have no lawful means of gratifying them. It includes great numbers of incorrigibly bad characters, who, on obtaining their freedom, will not apply themselves to any honest mode of obtaining a living, but endeavour to support themselves in idleness and debauchery, by plunder, but who cannot be drawn from their haunts by the same process that vagabonds are disposed of at home. I believe it will be unnecessary for me to express my opinion, that there is more immorality in Sydney, than in any other English town of the same population in his Majesty's dominions. It contains two hundred and nineteen public houses, and there are so many places where spirits are sold without license, that I feel myself incompetent to guess at their number.

"There is no town which affords so much facility for eluding the vigilance of the police. The unoccupied bush near and within the town itself, will afford shelter to the offender, and hide him from pursuit; he may steal or hire a boat, and in a few minutes place an arm of the sea between him and his pursuers. The want of continuity in the buildings of a widely extended but young town,

affords greater facilities for lying in wait for opportunities of executing a wicked purpose, for instant concealment on the approach of constables, and for obtaining access to the backs of houses and stores, than are to be found in towns at home, where there are few unoccupied spaces. The drunkenness, idleness, and carelessness of a great portion of the inhabitants afford innumerable opportunities and temptations by day and night to those who choose to live by plunder."

In reference to this extract, Chief Justice Forbes observes: "That this is a true description of the actual state of Sydney, who can deny?" And in further explanation, the following evidence may be quoted, which was taken before the Committee of the House of Commons, on Transportation, in 1837. The foregoing extract having been read to one of the witnesses, he replied: "I should say that is a complete picture of that state of society; the thing could not be better drawn, and I may as well add to what you have just read, that a great deal of it occurs in consequence of emancipists. Perhaps a man has just become free; he has convicts assigned to him, the same as any gentleman, no matter what his rank in society may be; this man will have convicts assigned to him, and they eat and drink at the same table, they get drunk together, and they are perfectly on a footing, and of course placed under no control..... I have known instances where the

convict man has been literally master of the house, and has got intimate, &c. &c."

Another source of the most glaring abuse, was the assignment of convicts to their wives. Several instances of a most flagrant kind are still fresh in the remembrance of many of the colonists. So little inquiry was made, or rather such gross neglect was permitted, that at one time, the wives of convicts who came from England with considerable property, were permitted to have their husbands assigned to them. The following extract from the evidence taken before the Select Committee on Transportation contains an account of a notorious case.

Question 1686.—"The wives brought out considerable property, did they?"—"Yes; for instance, I can relate an instance of one man in particular. I may mention his name; he is a very notorious character, a man of the name of ——, who was transported, and his wife went to the surgeon of the ship in which he was going out; she was very anxious to get a passage in the same ship; she said she would not mind giving £200 or £300, provided she could go out in the same ship with her husband. The surgeon told her it was impossible; no money could procure her a passage in that ship. She followed immediately afterwards; the man was assigned to her, and I know, from very good authority, that she took out £2,000 or £3,000 with her. He was assigned to her; and

ever since, they have kept one of the most extensive haberdasher's shops in Sydney."

Question 1687.—"In whose name was it kept?"—"They used to advertise, and their bills were headed ——; and —— was over the door. They also kept a large cash account in one of the banks, £2,000 or £3,000 frequently; that was so managed, that if any inquiries were made, it was Mrs. ——'s. In fact, this man was so well off, that he did not attend to the shop himself, he was generally seen riding about the streets on horseback, or driving in some conveyance, and attending the theatre and public places of amusement at night."

Question 1688.—"He was still a convict?"—"Yes."

Question 1689.—"Do you suppose the property brought over by his wife was the result of robbery in England?"—"Yes. I heard what the robbery was; I understood it was some extensive concern, either mail-coach or bank robbery; that is what I was told."

So flagrant a system as this could not long be permitted to continue; the outrage upon propriety was too gross. The assignment of convicts to their wives was accordingly discontinued, except in cases where the convict had undergone a certain probation, and generally the practice was much discouraged. The culpable negligence or connivance of other assignees, however, supplied a

means of evading the precautions of the Governor. A convict possessed of plausible character had little difficulty in persuading a weak or careless master to permit him indulgences to which he was not entitled; and where the indulgences could not be obtained in this way, the prospect of gain was often found to prevail; the cases where assignees conscientiously discharged their duty being deplorably few. It was, therefore, no uncommon thing for convicts to be permitted to leave their assigned service, and live with their free wives; under which unjustifiable circumstances, they often carried on business as free persons, in too many cases by disreputable means, to the great injury of the fair trader.

The last source of abuse to which it will be necessary to refer, is the irregular mode in which the assignment of what are termed "gentlemen convicts" was conducted. The reader need scarcely be reminded that convicts of this class are by far the most dangerous, and require the most judicious management. But instead of receiving this management, such was the miserable state of society, that these men were considered the "prizes" in the assignment scheme. So few free immigrants were there in the colony possessed even of common education, that merchants and lawyers who wanted clerks, schools which wanted masters, and even private families which wanted tutors, were, previous to the period of immigration, compelled to

employ convicts. That these men sometimes discharged their duty, and became reputable members of society, it would be unjust to deny; but from the lax mode in which the assignment was regulated, and from the necessities of society, evils of a most flagrant character arose.

A case is recorded of the son of a clergyman, who was educated by a "gentleman convict" assigned to his father, and who was afterwards transported for life to Van Diemen's Land. It is possible that the young man's unhappy circumstances might not altogether have resulted from the influence exercised over his mind by his convict tutor, but surely it must be acknowledged that such experiments were highly dangerous, and not justifiable by any amount of anticipated good. This, also, was an extreme case; but, unfortunately, the influence of convict tuition was known to be productive of sufficient evil to justify the censure passed on the system which permitted it, even though the melancholy fact alluded to had never occurred.

Cases, also, were not unfrequent of the employment of convicts in connection with the public press, not merely as compositors and pressmen, but in the editorial department. The employment of ticket of leave holders and emancipated convicts in such capacities has been very general, and the consequence has been lamentable in the extreme. The influence of such persons on the press was, in

effect, to break down the barriers established by the divine law between morality and immorality; to persuade the community that the free emigrant population were no better, in point of character, than the class to which they themselves belonged, and to disseminate the notion, that their position in society was the result, not of guilt, but of misfortune. In proof of the influence of such mischievous doctrines, when inculcated by men of intellectual ability, it is only necessary to refer to the evil which was produced by the circulation of the *Sydney Gazette*, during the time it was under the management of O'Shaughnessy and Watt.* The former of these men had been, at first, assigned to the proprietor of the Gazette, and was employed as a reporter and sub-editor; having become free, he became, on the death of the proprietor, the responsible editor. The history of Watt is peculiarly instructive, and illustrates most forcibly the deplorable state of society in the colony, before the commencement of Immigration. He was originally a solicitor's clerk in Edinburgh; but having, on account of some misdemeanor, been compelled to leave that place, he obtained employment in a mercantile house in London, from which place he was transported for embezzlement in the year 1828, for fourteen years. From the influences he was able to

* This was during the greater part of the years 1834 and 1835.

exert (being a man of great talents) he obtained the indulgence of a ticket-of-leave after a much shorter probation than would subsequently have been possible; and on the arrival of Sir Richard Bourke, he was employed as a clerk in the office of the School Corporation. On the dissolution of that body, his services were eagerly sought by the conductors of the public press, and he obtained an engagement in the Gazette office, of which paper he soon assumed the virtual control, the nominal editor being a person of indolent and dissipated habits. While in this capacity, he was the source of immense demoralization from the mode in which he used the powerful influence he possessed, endeavouring to stir up the convict population against the free emigrants, by representing the latter as intruders, and the former as a grievously injured and meritorious class. A state of things in which a thief, a man of unchaste living, was permitted to disseminate, for nearly two years, principles so grossly opposed to common decency, can hardly be conceived by persons whom experience has not assured of the fact. That fact should be remembered by the community of New South Wales, as a great public sin which should fill us with sentiments of humility and self abasement. The termination of Watt's career shows that he was capable of any villany, however contemptible, which could promote his views. An anonymous letter had been sent to the editors of another newspaper,

which was unguardedly ordered for insertion, and was accordingly set in type. Before it was printed, however, the editor discovered that it contained libellous matter, and accordingly withdrew it. Watt, however, having learned that such a letter was actually in type, bribed a convict-compositor, employed in the other office to steal one of the proofs of the letter, which he subsequently enclosed in an envelop to the individual on whose character it reflected, who was an emancipated convict. An action for libel was instituted by this party against the editors of the paper to whom the letter had been sent, and the fact of publication was attempted to be established by the circumstance of his having received a copy through the public post. The action failed; but the editor, whose ruin had been so foully attempted, did not suffer the matter to rest, and, at length, succeeded in bringing to light the whole of the transaction. Watt was prosecuted in the Criminal Court, on a charge of "grand larceny," which unfortunately was not warranted by the value of the property which he had procured to be stolen; he was, consequently, acquitted. The circumstance having been officially made known to the Governor by the Judge,* before whom he was tried, he was immediately sent to Port Macquarie, a penal settlement, appointed for special convicts. While at this settlement, the widow of

* Mr. Justice Burton.

the former proprietor of the Gazette, actually solicited, and obtained permission to marry him! It is only just to add, that, after Watt's affair, the Gazette passed into the hands of respectable persons, but it never regained its original position among the respectable portion of the community, and gradually dwindled into the tomb of oblivion.

It has been thought proper to admit, to the fullest extent, the magnitude of the abuses which existed under the Assignment System, and even to quote some of the most flagrant cases, because, in the first place, those abuses were of so glaring a character, that their concealment would be impossible, and no writer who affected to be ignorant of their existence, would hope to obtain credit for impartial judgment; and, in the second place, because the abuse of a system, however it may have been permitted through ignorance or neglect, can never form an argument against the principle on which the system is founded; nor prove, that, under a more judicious arrangement, the principle might not be made productive of the highest public advantage. It will, therefore, be of importance to enquire whether, under regulations of adequate stringency, the evils which existed under the former system might not be avoided, and the assignment of convicts rendered both an economical mode of punishment for minor felonies and misdemeanors, and also a source of wealth to the colony where the assignment may be permitted. Observing, how-

ever, the order of events, it will be necessary to give a short account of the discontinuance of transportation to New South Wales; from which it will appear, that the abuses, and not the principle of the system were the real cause which influenced the Home Government in the adoption of so important a measure.

The reader has already been incidently informed, that a select Committee of the House of Commons was appointed, in the year 1837, to examine into the subjects of transportation and assignment.* Among the witnesses examined before the Committee, were the Chief Justice of the Colony (Sir Francis Forbes), James Mudie, Esq. (formerly of Castle Forbes in this colony, and J.P.), the Rev. John Dunmore Lang, D.D. (the Senior Presbyterian Minister of the Colony), James McArthur, Esq. J.P. (one of the most extensive and influential land and stock-holders in the colony) Colonel George Arthur, late Lieutenant Governor of Van Diemen's Land; with several officers of the army who had filled official situations, and one or two medical gentlemen. who had come out as Surgeons-Superintendent of convict ships. The evidence given by these gentlemen was extremely multifarious and voluminous, and it is to be feared that much of it was given under the influence of

* The Committee was appointed on the 7th of April, and the primary report was ordered to be printed on the 14th of July.

strong personal feeling, hostile to the emancipist population; but without further alluding to this subject, it may safely be conceded, that, by their united testimony, the most iniquitous abuses were proved to exist, and the unavoidable conclusion was, that, in order to make the Assignment System morally advantageous, it was necessary that it should be entirely remodelled, if not temporarily suspended.

So strong was the impression produced by the representations which had at various times reached the imperial government, that, even during the sittings of the Select Committee, a correspondence was being carried on between the home and colonial departments, on the expediency of discontinuing the practice of assignment. In a communication, dated the 15th of April, 1837, Lord John Russell called the attention of Lord Glenelg to the subject of transportation generally, and declared his opinion, that it was inexpedient that convicts, even after having been employed a certain period on public roads and works, should be assigned to private individuals:—"the evils arising from that mode of employment, and which must be aggravated by the difference of humanity, weakness, fear, or caprice of different masters, being very serious and notorious." From the reply to this communication, it appears that Lord Glenelg coincided "in the opinion entertained by his Lordship of the evils generally arising from the assignment of convicts in the Australian

colonies, and was happy to learn that it was the wish of Lord John Russell to diminish as much as possible the number of transports sent yearly to those colonies." In consequence of this correspondence, Lord Glenelg addressed a despatch to Sir Richard Bourke, dated 26th of May, in which his Lordship observes:—"Being strongly impressed with the evils which appear to me, to a certain extent, inherent in the system of assignment,* I trust that the measures in progress for the increase of free emigration to the Australian colonies, will adequately supply the future demand for labour, without continuing a practice which is open to so many objections."

When the report of the transportation committee of 1837 was received in the colony, it excited the strongest sensation. It was considered, and with justice, that in a case so deeply affecting the interests of the colony, the inquiry should have been made in the colony itself. Nor could the colonists but feel, that in many cases matters had been represented in such a light, as made them appear worse than they actually were. In particular, the evidence of Mr. Mudie was severely censured, as having been given under a peculiarly hostile

* His Lordship, of course, meant in the system of assignment as it existed at that time in these colonies. To say that those evils were inseparable from the principle, would be to hazard an assertion, the justice of which could not be maintained without more extended experiments.

feeling. This gentleman had been a magistrate of the territory; and his name, with about fifty others, had been excluded from the commission. Though the cause of this exclusion was not, of course, formally announced, it was generally understood, that the arbitrary spirit in which Mr. Mudie, and other magistrates administered the laws, with respect to the convict population, had induced his Excellency to revise the list. It appears certain that Mr. Mudie was the object of the most bitter animosity to the convicts generally, a feeling which they did not manifest towards those magistrates who discharged their functions firmly and humanely. The colonists, therefore, felt that the position of Mr. Mudie did not justify the importance which was attached to his statement; and complained, not without reason, that they had no opportunity of rebutting them.

A meeting was held in Sydney to take into consideration the prejudicial effects which such evidence was likely to produce on the colony, and a petition was addressed to his Excellency, praying "the appointment of a committee of the Legislative Council, to inquire into the working of the system of transportation and assignment, with a view to counteract, as far as possible, the evil impressions which might have been produced in England, in respect to the social and moral condition of the colony." Sir George Gipps in reply, represented to the petitioners that the assignment of convicts was a matter for

which the Governor alone was responsible to her Majesty, and that the Legislative Council had no jurisdiction therein. Nevertheless, considering the importance of the subject, he would lay the petition on the council table, and leave that body to adopt such a course as might seem necessary. The council, after a protracted debate, adopted a series of resolutions, expressive of their opinions, and embodying generally the sentiments of the petitioners. The appointment of a committee of inquiry was negatived, (as appears from a despatch from his Excellency of the 18th of July, 1838) solely from the apprehension felt by a majority of the council that such an inquiry would tend to revive animosities in the country, which had happily in a great degree subsided.

In the year 1838, the committee on transportation resumed their labours, and presented their final report, which very strongly confirmed the apprehensions of the colonists, being chiefly founded on the evidence given the preceding year, the *bonus animus* of so much of which there was just reason to suspect.*

The following letter, from the Under Secretary

* It is impossible, on perusing the evidence of Dr. Lang, not to be struck with the ingenuity with which he contrived every now and then to give a stab in the dark to the established church, a circumstance in itself sufficient to throw suspicion on his statements. The evidence of the Rev. Dr. Ullathorne, also, a dignitary of the Church of Rome, it is to be feared, is not free from the charge of partiality.

for the Home Department to the Under Secretary for the Colonies, explains the general intentions of her Majesty's Government as to the changes to be immediately effected in the existing system:—

"Whitehall, January 30th, 1839.

"Sir,

"I am directed by Lord John Russell to acquaint you, for the information of Lord Glenelg, that, in conformity with the instructions of government on the subject of transportation, he proposes to make the following arrangements:—

1st. "The number of convicts to be employed in the hulks in Great Britain, during the present year, will be increased to three thousand five hundred.

2nd. "The number of convicts to be employed at Bermuda will be increased to one thousand, of whom two hundred will be sent out in the spring, and two hundred at the end of the year.

3rd. "The number of prisoners in the Penitentiary will be for this year eight hundred, being an increase of two hundred and fifty.

4th. "It is not proposed at present to diminish the number of convicts to be sent from Ireland.

5th. "The probable number of convicts to be transported this year, will, consequently, be about two thousand.

6th. "It is proposed to improve the system of punishment and instruction now pursued on board the hulks.

7th. "It is proposed to build a new prison on the separate system for five hundred prisoners.

"While these changes are taking place at home, accompanying alterations must take place abroad; and Lord John Russell directs me to transmit to you the following suggestions for Lord Glenelg's consideration :—

1. "That instructions should be sent out to prepare the Governors of New South Wales and Van Diemen's Land, for the immediate diminution and approaching discontinuance of the practice of assignment.

2. "That instructions should likewise be sent to prepare buildings in Norfolk Island for the reception of convicts from the United Kingdom; and that the government of that island should be entrusted to some officer in whose zeal and intelligence Lord Glenelg can confide.

3. "That general instructions should be given as to the future treatment of convicts confined in the Australian settlements, subject to such variations from time to time as experience may suggest, founded on the principles stated in the Report of the Committee of the House of Commons, and in conformity with the views of government.

"I have, &c.,

"(*Signed*) F. MAULE.

"Sir George Grey,
"&c., &c., &c."

In a despatch enclosing the above letter, Lord Normanby wrote to Sir George Gipps as follows:

"With respect to Norfolk Island, it is the intention of her Majesty's government, that an essential alteration should be made in the system of punishment pursued there; the healthiness of the climate, the fertility of the soil, and its entire separation from intercourse with ordinary emigrants, render it peculiarly fit for the reception of a large number of convicts, subject to careful superintendence and discipline, and for whom regular means of employment must be provided. Her Majesty's government hope, that this may be effected with little, if any, increase of expense, owing to the facilities which exist for rendering the labours of the convicts productive. In order to carry this proposal into effect, a prison will require to be erected, capable of holding as many convicts as can be conveniently and profitably employed in the island, and so arranged as to facilitate the adoption of the most effectual means of enforcing an improved system of discipline."

And again:

"The general principles which are to guide the future management of transported convicts, are:

1. "That a fixed period of imprisonment should, in the first instance, be allotted for the punishment of the crime of which the prisoner has been convicted.

2. "That the actual period of imprisonment should be liable to a subsequent abridgement, according to the previous character of the prisoner, the nature of his crime, and his conduct during his punishment.

3. "That when allowed to leave Norfolk Island, he should not be assigned to any individual in Australia, but should enjoy advantages, at least, equal to those of a ticket of leave.

"No prisoner is to be detained in Norfolk Island longer than fifteen years.

"In order fully to carry these regulations into effect, it is desirable, that, as far as possible, Norfolk Island should be appropriated to convicts from the United Kingdom; and that persons convicted of offences in New South Wales, should be confined in some other part of the colony, or employed on the roads."

It could not but be expected, that the regulation which professed to confer on expirees from Norfolk Island the benefit of a ticket of leave in New South Wales, would be received with much dissatisfaction by the colonists. As this subject will again fall under notice in the analysis of the proceedings of the new Legislative Council, it will not be necessary in this place to do more than quote a short passage from a despatch of Sir George Gipps, of the 23rd November, 1839.

"That part of the proposed plan," however, observes his Excellency, "was very loudly denounced in the council and out of doors, which seems to

point to the introduction into the colony of convicts from Norfolk Island, when their sentences shall have expired; by which it was objected (and I must candidly say I think with reason,) that New South Wales will still remain the receptacle of convicts, and, therefore, will in no way be freed from the stain which transportation has impressed on it, though it will be deprived of all the benefits which it has hitherto derived from the forced labour of convicts."

In the ensuing year, 1840, the transportation of convicts to New South Wales, from the United Kingdom was discontinued. By an order in council, her Majesty was pleased to determine those places to which convicts might be transported from the United Kingdom, from and after the 1st of August of that year; the effect of which was to exclude the colony of New South Wales from the list of such penal settlements. The order in council was published in the New South Wales Government Gazette of 28th October, 1840.

In pursuing very briefly the inquiry suggested by the subject of this section, and the importance of which has already been shown, it will be necessary once more to notice the distinction between a system, and the principle on which that system is founded. It would be both uncandid and unwise to attempt to conceal, that gross abuses prevailed

under the mode in which the transportation and assignment of convicts was formerly conducted; but in making this admission, it is not necessary to concede, that the principle of transportation, combined with assignment, is incapable of application to the discipline of convicts, and ill-calculated to effect their ultimate reformation.

We have, during a period of ten years, had very favourable opportunities of observing the effect of the transportation principle, and have examined the subject with all the care which its importance demanded; and we have no hesitation in declaring that transportation, combined with properly regulated assignment, appears to us very far to exceed any other species of secondary punishment which has yet been attempted in any country, whether it be considered with reference to expense, to penal efficacy, or (which is the most important consideration of all) to the eventual reformation of the criminal. In spite of the flagrant abuses of the former system, it is capable of proof, that a greater amount of actual reformation has been accomplished under it, than under any of the boasted schemes of American or continental philanthropists. An attentive examination of the various schemes has added strength to the conclusion, that, however beautiful in theory, they are almost entirely inefficacious, being suited only to impress minds rarely and peculiarly constituted, and being supported at an expense, which seems to suggest,

that at the time they were sanctioned, the "calculating" genius of our Transatlantic acquaintances had fallen into one of his periodical fits of oblivion.

Without entering farther into the general question of secondary punishments, it may suffice to observe, that the fundamental difficulty connected with them consists in the necessity of combining a certain degree of penal severity with measures of a reformatory tendency. Without possessing the former feature, the punishment would become an incentive to, instead of a deterrent from, the commission of crime; without the latter, the country is at the expense of supporting an idle mouth for a given period, at the expiration of which the criminal is again turned loose on the society from which he had been withdrawn, without any prospect or desire of obtaining an honest livelihood, and consequently resumes his previous life of plunder, until again convicted. It appears extraordinary how so weighty a practical difficulty as this could have escaped the observation of the speculative proposers of the various schemes above mentioned, which are all modifications of the principle of imprisonment, a punishment which is open to strong, and, in the opinion of many, fatal, objections.

The difficulty, however, is effectually met by the transportation system, by which the criminal is at once separated from all his vice promoting

associations, a circumstance which constitutes a very important part of the penal character of the system. A point of some consequence appears thus to be established; for if the efficacy of secondary punishment is almost neutralized by the difficulty in question, it follows, that a system which avoids that difficulty possesses an eminent superiority.

M. Thiers, in speaking of the convict establishments of, and in France, called them "the plague spot of the country," a remark no less eloquent than just, for while the expense of supporting them is an intolerable burden on the industry of the people, they serve only for the temporary coercion, while they possess no reformatory principle whatever, and are almost wholly inoperative as a deterrent. But the French are not an enterprising nation, and are more given to bombast than to commerce. Half the expense, and less than half the bluster, which has been expended on the Island of Tahiti, would have served to establish a penal colony in some of the countless groups of the Pacific, which might have become a centre of civilization, of commerce, and Christianity, to the thousand isles that gem the bosom of that mighty ocean. But unfortunately the Protectorate of Tahiti was considered an object of greater magnitude than the civilization of a hemisphere, and France still rings with the groans of the galley slave.

On the subject of expense, it may be proper to say a few words. So little was this matter formerly understood in the mother country, that it was actually, on one occasion, and that not of very ancient date, proposed in the House of Commons to abandon this colony, and deport the inhabitants from its shores. In reference to this proposition, the following passage is quoted from a revised edition of a letter from the Australian Patriotic Association to C. Buller, Jun., Esq., M.P.

"The speakers in the above cases were, no doubt, ignorant of the fact, (for they attacked the system chiefly on economical grounds), that the colony had even then, during the period from 1786 to 1821, notwithstanding the expenses incident to its primary establishment, produced to the mother country a net saving of £1,913,446. 17*s.* the additional sum that it would have cost, provided the number of convicts which had then been transported to this colony, had been kept in the parent country in hulks; and a net saving of £11,800,837. 5*s.* 6*d.*, the additional sum that it would have cost, had the same number of convicts been kept in the parent country on the most economical plan in Penitentiaries."

A simple calculation of the comparative cost of the penitentiary and transportation system will satisfactorily prove the economical advantage of the latter. The actual charge on the British Treasury

for the maintenance of each male convict in a penitentiary is £30 per annum. The cost of the passage of a male convict to New South Wales, including his maintenance during the voyage, a period of four months, is no more than £15 ; his maintenance during the remaining eight months costs £8 ; so that the total expense of transporting and maintaining the convict the first year, effects a saving of £7. on the expense which would have been incurred had he been kept in England. After the first year, the saving amounts to £18. on every man, an immense amount on the number expatriated. It is thus, that the simple test of figures puts to flight a host of undigested theories, with little foundation beyond an imaginary and delusive philanthropy.

But mere economy, after all, would form a poor ground for the adoption of a penal system, unless it could be shown to possess higher advantages. It remains, therefore, to show, that the system of transportation, combined with properly regulated assignment, affords ample means, both for punishing and reforming the criminal. Under such a system, a criminal, unless his character is so utterly hardened and depraved as to offer no prospect of his being influenced by gentle measures, is subjected to a moderate coercion, and required to labour without any other remuneration than his food and raiment. This, if rightly understood, is a punishment sufficiently severe for ordinary

offences, and even for felonies of the lower class. Every man knows that his labour is of some value, and to that value the unconvicted man possesses an undisputed claim; but the right of reaping the reward of his toil is taken away from the convict, and this circumstance added to the irksomeness of labour to the idle and vicious, forms a punishment of severity quite commensurate with the character of the offences for which it is inflicted. But it is of importance that the nature of the punishment should be correctly understood by those on whom it is intended to operate as a deterrent. Very few, indeed, of the convicts who have been sent hither have been found to have had any idea of the nature of the punishment they were to undergo; a fact which is quite sufficient to explain the jesting manner in which the lower orders at home talk of being "lagged," which is the thieves' slang term for "transported."

Not to diffuse just information on the subject of the punishment is at once to disarm it of its terrors; and the British government in neglecting this important duty have incurred a heavy charge, almost amounting to an encouragement of crime. *De non apparentibus et non existentibus eadem est ratio.* A man who does not know what a punishment is, very readily seizes upon the notion that it is no punishment at all. *A propos*, this circumstance suggests a cogent objection against what the Americans call the solitary system. The

feelings of one shut out from all communication with the world are such as can only be comprehended by him who has experienced them, nor can any description render them intelligible. In order, therefore, to render the solitary system operative as a deterrent, the population of the states where it prevails should be made to undergo a cautionary incarceration for six months, on the plan of the ancient pedagogue, who was wont to muster his boys for a general flogging once a week, that they might not be ignorant of the nature of the punishment.

The efficacy of the Assignment System in New South Wales was much impeded, as has been often shown by the abuses which existed in its administration. These abuses gradually crept in from several sources. The officers of government here, were, from the remoteness of the settlement, almost entirely removed from the control of the Home authorities, and these latter were so much occupied with the pressure of public affairs, that they had little time to attend to Botany Bay, which became a bye-word and a reproach among men. Men of ability and gentlemanly qualifications were seldom found willing to leave the centre of civilization to look after pick-pockets; this circumstance led to the appointment of the New South Wales corps, the officers of which were, with few exceptions, men of inferior standing, and, as it turned out, of inferior character also; for many of

them did not scruple, on their arrival in the colony, to become dealers in the instruments of drunkenness, and to exhibit to the public an example of gross profligacy—such were not the men who should have been charged with the management of a reformatory penal system. When men are willing to forget their character for the sake of "getting money," it is not to be wondered that bribery and corruption should be found to exist, even in high places, and that convicts on their emancipation, should be emulous of the occupations of their betters—their betters? If there was ill-nature, there was also truth in the remark, which has been attributed to Governor Macquarie, that New South Wales at one time contained but two classes of persons, "those who had been transported, and those who ought to have been so."

But the evils which arose from this source, and from others are now well known, and their danger is perfectly understood. There can be little doubt, therefore, that a system of assignment could be so ordered as to realize all of which it has been supposed capable. Some limitation would necessarily be imposed on the number of convicts assigned to each applicant; for to allow a single individual to have upwards of a hundred assigned servants was equivalent to forming a nest of thieves in the heart of the country, the evil of which has been already shown. Nor is it probable

that any applicant would, under a revised system, obtain any convicts, unless he were known to be a man of firmness and humanity. The obtaining of servants by the influence of a bank-note would, of course, be effectually prevented. Care would also be taken to disperse the men throughout the territory; to remove them entirely from evil associations, an arrangement which might perhaps be facilitated by a regulation, occasionally and judiciously changing the assignment of particular individuals who were found to possess influence over the others; for the same reason as the Commissioners of Excise periodically change the stations of their subordinate officers, and the regiments of the army are removed from town to town, that the formation of improper connections may be prevented.

The reformatory efficacy of the system having been thus so unhappily injured by mal-administration, it would seem that any remarks on this subject should be made entirely in reference to the possible revival of the system. It is earnestly to be hoped that the British government, in establishing the new penal settlement for the probationary exiles from the model-prisons on the north-eastern coast of Australia, will not omit so favourable an opportunity for renewing the experiment. There will be an entirely new field, where no old interests or prejudices can embarrass the measures of the executive, and the friends of the

assignment principle look forward with sanguine anticipations to the course which shall be pursued. A conference, relative to the site and management of the new colony, is about to take place between Sir George Gipps, Sir Eardley Wilmot, Governor of Van Diemen's Land, and C. J. La Trobe, Esq., Superintendent of Port Phillip, the result of whose deliberations will influence the Home Government in maturing their plans.

There is one subject, the importance of which is so vast, that it might be thought impossible that a government, in the formation of a penal settlement, could omit it from their consideration. It is, however, a fact, that for many years after the establishment of this colony, not one clergyman, or teacher of any religious denomination was to be found on its shores. This truly awful fact renders it not impertinent to remark, that the securing of religious instruction to convicts, wherever they are sent, is a matter of primary consequence, for without this the best devised schemes of human policy must prove abortive. Even secular education, valuable as that is, if not based on religious knowledge, will prove a curse rather than a blessing. Convicts, truly, have forfeited the advantages which their country offered them at home; but they are nevertheless members of that great family, for whom, even for the worst of them, Christ died. Fearful, indeed, is the guilt already resting on the parent land, for neglecting

the religious instruction of her colonies, whether penal or otherwise; but still more fearful will that guilt be, if her rulers are deaf to the voice of experience, and pursue the false chimera of making men virtuous without religion.

It has been thought, that any sort of men are fit for clergymen to prisoners. At home, the chaplaincy of a gaol is unhappily considered as a cure of the meanest character; and a similar impression has existed, and it is to be feared, continues to exist, respecting clerical appointments in penal colonies. To what other cause can be attributed the sufferance of so great a proportion of men of known incapacity and inexperience as was formerly to be found among the clergy of these colonies? Such a stigma is now no longer justly applicable to the clergy; but formerly, with a few exceptions, a "colonial parson" was a man of little more estimation than a colonial soap-boiler. It is to be hoped that such an error will be avoided in the new colony. Men entrusted with the spiritual charge of convicts should especially be men of proved ability, piety, and zeal, skilled in all the windings of the human heart: such men should be sent at any expense. The saving of a few paltry pounds on such a score is the most paltry of all savings. It is too much to expect that first-rate men, whose education has been completed at great expense, will exile themselves,

perhaps, with wives and families—and these are the most useful—and go to live in an expensive country for £200 a year.

A system has been recently attempted in Van Diemen's Land, called the "Probation System," which has been suggested by some ignorant British theorists, and, as might have been expected, has proved a complete failure. The convicts are allowed to choose their own masters, bargain for their own wages, and quit their service in a month if they dislike their situation, the Crown maintaining them while out of employment. The consequences of so wretched a departure from propriety cannot be sufficiently deplored, nor a renewal of a similar scheme elsewhere be sufficiently deprecated. By such an injudicious system as this, the bad are furnished with facilities for uniting with the bad—"pares cum paribus facillimè congregantur"—and little troops of banditti (this is not too strong a term) are thus formed to the consternation and annoyance of the peaceful settlers. In reference to this system, the following paragraph appeared in an influential London journal of June 6, 1844.

"The prosperity of this colony (Van Diemen's Land) is destroyed for many years to come. Since the ridiculous convict probation system has been in force, its character is entirely changed. Armed ruffians travel its length and breadth. The bond

far out-number the free; life and property are daily becoming more insecure, and from being a quiet tranquil home for industrious men, it is becoming the plague-spot of the south. Now, indeed, with great truth and honesty, may a virtuous people at home be warned against contact with the felon-deluged shores. The hopeless colonists begin to entertain the opinion, that British government intend, by the large monthly importations of pollution, to drive them to despair. If things do go on as they lately have done, two years hence no one will be safe in the interior at noon-day. The felons are allowed to choose their own masters, bargain for their own wages, and quit their service in a month, the Crown maintaining them when their caprice leads them to quit a master."

The language of this paragraph may possibly be rather warmly coloured, but the justice of the opinion the writer has formed cannot be questioned.

From the statements made in this section these conclusions appear to be warranted: that, as a secondary punishment, nothing can exceed transportation; and that, as a reformatory scheme, nothing can be more effectual than a *well-regulated* system of assignment.

SECTION V.

REVIEW OF CERTAIN MINOR ACTS AND ORDINANCES OF THE GOVERNOR AND COUNCIL OF NEW SOUTH WALES DURING THE YEARS 1832—1842, INCLUSIVE.

The great public questions which have engaged the attention of the colonists of New South Wales during the governments of Sir Richard Bourke and Sir George Gipps have now been discussed. The consideration of these questions naturally involved many details, from which the intelligent reader will have been able to form a general notion of the progress of colonial legislation. It is not to be supposed, however, that the local legislature was solely occupied with these great questions; several enactments were made during this period of very considerable importance, and which it would be improper to exclude from these pages. Some of them, indeed, may be thought to have merited a more enlarged investigation; but on reflection, it was found impossible to allow this, without extending the volumes beyond the limits to which they are restricted. Such readers as may desire more detailed information than will be found in this section will, no doubt, easily obtain access to public documents, from which their curiosity will be fully satisfied. It may, perhaps, be necessary to remind the reader that the *old*

Legislative Council was a body constituted very differently from that which now exists. In the old Council, the Governor presided in person; the members were only fourteen in number, of whom seven were government officers,* and the other seven nominated by the Crown from among the gentlemen of the colony; the result of which arrangement was plainly to place the legislation of the colony in the hands of the executive, which was able to carry every measure it introduced, and equally to reject any measure to which it was unfavourable.

With such a power in his hands, it is no vain tribute to the public character of Sir Richard Bourke, that he was the most popular Governor who has ever presided over the colonial affairs; and should it be found that Sir George Gipps has not been equally popular, it must in candour be remembered, that he has been placed in circumstances entirely different, and such as would have shaken the spirit of any man less distinguished for strength and consistency of purpose. The Acts and Ordinances which will be noticed in this section, are "Acts and Ordinances of the Governor

* The official members of the old Council were, the Lord Bishop of Australia, the Colonial Secretary, the Colonial Treasurer, the Chief Justice of the Supreme Court, the Attorney-General, the Auditor-General, and the Collector of Customs.

and Council of New South Wales." Under the new Constitution, the Legislative Council passes its own Acts, which are then presented to the Governor for the royal assent. To the debates of the old Council, the public were always denied admission until within a short period of its dissolution; this restriction has never been attempted under the new Constitution. A legislative body, withdrawn from public review, is seldom so guarded in its proceedings, as the nature of their functions would seem to demand; and it cannot be concealed that the legislative history of New South Wales, previously to the year 1843, exhibits many instances of carelessness and haste in the preparation of bills, which merit strong censure. A mere cursory glance at the index of a volume of Acts of the Governor and Council will prove to the reader that, at least, one half of the actual business of each session was to amend the errors of the preceding one. The constantly recurring phrases, "An Act to amend an Act," "An Act further to amend an Act," "An Act to alter and amend," "to amend and explain," "to amend and extend," "to repeal in part, and to amend and extend," induce the reader to think that these amendments and alterations are of great importance, and relate to some vital clauses of the original measure. His disappointment will be considerable when he finds many of them to provide for some case which

ought to have been foreseen, or to supply the omission of some technicality, which, however trivial, impeded the efficacy of the Act.* Nevertheless, various measures were passed, which exercised a very important influence upon the state of the colony, and to a few of these the attention of the reader is now solicited. It will perhaps be convenient to arrange the subjects of legislation under heads, rather than offer a dry chronological detail.

JURY LAW.

The constitution of juries in New South Wales was, for a long period, a matter of severe debate, and so delicate was the ground on which the legislature knew they were treading, that the old council never considered it expedient to pass any enactment, the provisions of which were to continue in force for a longer period than two years. The difficulty, it will readily be perceived, lay in the question of the admissibility, or non-admissibility of the emancipist body to serve on juries. Previously to the administration of Sir Richard Bourke, that class of persons, notwithstanding their number,

* After the Sydney Incorporation Act was passed, such was the careless manner in which it had been drawn up, that it was found necessary to pass a Supplementary Act to declare that the aforesaid Act might hereafter be amended or repealed.

and the great wealth, and even respectability of many of them, had never been considered eligible to the jury-box, for it was considered, and not wholly without reason, that their natural sympathies for the individuals, most frequently brought to trial, would militate against the honesty of their verdict. This exclusion, however, was a severe thorn in the side of the party, and frequent attempts were made by meetings and petitions to the Governor and Council, to procure a new constitution for juries. In the year 1832, the clamours of the party had become so loud, that a measure was at length introduced into the council, and, after a warm debate, carried, to relieve the emancipists from their disqualification. The principal clauses of the Act contain provisions for the striking of special juries, and the trial of issues in certain cases, the particulars of which are not of much interest. The distinguishing clause is as follows :—

"And be it further enacted, that the following persons shall not be qualified to serve on any such jury as aforesaid; that is to say, every man not being a natural born subject of the King, and every man who hath been, or shall be, attainted of any treason or felony, or convicted of any crime that is infamous, (unless he shall have received for such crime a pardon, or the full period expired for which he shall have been sentenced to be transported), and every man of bad fame, or of dishonest life or conduct, or of immoral character or repute."

By the succeeding clause, persons *twice* convicted were altogether disqualified.

During the two years that this Act remained in force, several unhappy instances occurred, in which it was clearly proved that the jury-box was used as a means of delivering the guilty from punishment. That such cases would in all probability occur, had not been unforeseen by the legislature, for a provision had been made for the striking out by ballot of any objectionable names from the list prepared by the police superintendents of each district. The magistrates, however, too generally shrank from acting on this provision, and the consequence was, that many juries were impannelled, containing individuals of the most depraved character. Notwithstanding these lamentable facts, however, the measure was found on the whole to have been salutary in its operation, having tended to soften the acerbity which existed between the rival parties —in fact, it had, more than any thing else, contributed to obliterate that distinction, which had so often been used for the most invidious purposes. The proposal, therefore, to continue the Act till the 30th of June, 1835, received the sanction of the legislature. Some explanatory clauses were added, relative to the summoning and striking of juries, and the qualification clause was altered as follows:—

"Unless he shall have received for such crime a free pardon, or shall be within the benefit and protection of some Act of Parliament, having the force

and effect of a pardon under the Great Seal for such crime, &c., &c."

In 1835, the Act was again continued for another year, and in 1836 it was still further continued, with the addition of a clause to remove doubts as to the power of justices in petty sessions to omit or strike out the names of men of bad fame and repute. A circular letter was also addressed to the various benches of magistrates throughout the colony, directing their attention to the importance of carefully revising the jury lists, and thus preventing unscrupulous persons from defeating the ends of justice. The result was highly gratifying; the cases of collusion and perjury on the part of jurors becoming much less frequent, and at length ceasing to be heard of altogether.*

SALARIES OF GOVERNORS AND JUDGES.

In 1832, a short Act was passed, to provide for the payment of the salaries of the Governor, or acting Governor, and of the Judges of the Supreme Court, which were ordered to be a charge upon the

* An important modification of the jury law has been made by the new council, by Mr. Windeyer's Jury Bill in the Session of 1844. In civil cases, when the question is referred to a jury, the number of the jury may be only four; and if, after deliberating six hours, they cannot form a unanimous judgment, the opinion of three-fourths may be taken; and if, after deliberating twelve hours, their opinions are still divided, a new trial must take place.

revenues arising from the duties of customs levied in the colony. The salary of the Governor, or acting Governor, was fixed at £5000, that of the Chief Justice of the Supreme Court at £2000, and those of each of the Puisne Judges at £1500. Subsequently similar provision was made for the payment of a salary of £1500 to the Superintendent of Port Phillip.

SAVINGS' BANK.

The preamble of an Act passed on the 9th of March, 1832, sets forth that "it is desirable, for the encouragement of frugality, that persons possessing small sums of money beyond what they require for their immediate wants, should be afforded an opportunity of depositing the same on good security, to accumulate at compound interest, and to form a provision for themselves and families." In pursuance of this very laudable object, the Savings' Bank of New South Wales was established, the Governor being President, and the affairs of the Bank being vested in nine trustees, nominated by the Governor. The deposits were all to be paid over to the Colonial Treasurer, and the trustees were authorized to advance loans, not exceeding £500 to any one person, on security of real property, and to discount bills of exchange or promissory notes, for amounts not exceeding £500, and at a rate of interest or discount of not less than eight

per cent. Depositors were to receive five per cent. interest on all deposits not less than 20*s*., and, when the profits of the Bank for any year should exceed £200, the surplus was to be rateably divided, and placed to the credits of depositors. No depositor, however, was allowed to deposit more than £100, nor to claim compound interest, when his deposits amounted to £100. A proviso was also made authorising minors to make deposits in their own names, and to give validity to their receipts. A special clause was also introduced for the benefit of prisoners of the Crown, who were allowed to make deposits above £100.

This valuable institution continued to flourish, and contributed greatly to improve the moral character of the colony by forming habits of economy. After some years, however, the government declined to have any direct interference with the affairs of the bank, and withdrew the implied security which was understood to have been given by the circumstance of the moneys being paid into the Colonial Treasury. This created no little alarm among the depositors, and a "run" ensued. Happily, however, the trustees succeeded in maintaining the stability of the bank, and it still continues to flourish, though the amount of deposits is considerably reduced on account of the late general depression of the colony. It may be truly said, however, that, but for this institution, many a poor family, who have continued to

struggle through the severe monetary crisis which has happily now passed away, would have been plunged into hopeless and irremediable beggary. Colonists of every class; indeed, have much cause to be grateful for the institution of a Savings' Bank.

POSTAGE OF LETTERS.

Until the year 1835, the conveyance of letters in New South Wales was irregularly and expensively managed. An Act was, therefore, passed in that year, providing for the establishment of a General Post Office, and other sub-offices in different parts of the colony, to be under the superintendence of a Postmaster-General. The Governor was also authorized to determine the rates of postage, so that they did not exceed those contained in a schedule appended to the Act. Regulations with respect to franking letters were enacted, similar to those which existed in the United Kingdom, prior to the Penny Postage scheme. Letters to and from convicts were directed to be enclosed open to the principal superintendent of convicts, by whom they were to be marked "convict's letter," and forwarded free of charge. Newspapers printed within the colony were to be marked with the words "newspapers only." Various other provisions were made for the convenience of the public; but the rates chargeable

were, and still continue to be, very high, a circumstance which impedes commerce, and prevents that frequent and agreeable interchange of communication which adds such a charm to the private life of our friends at home.

NORFOLK ISLAND.

By an Act passed on the 10th day of June, 1835, a Court of Criminal Jurisdiction was established at Norfolk Island, which the reader is aware is a small island lying about eight hundred miles eastward from the coast of New South Wales, of which colony it was, until lately, a penal dependency. Since the discontinuance of transportation, Norfolk Island has been attached to the government of Van Diemen's Land. The origin of the establishment of a Court of Criminal Jurisdiction in that island is strange, and opens a curious page in the great volume of human nature. With reference to this subject, therefore, the following extract from the evidence of Sir Francis Forbes before the select Committee of the House of Commons on Transportation, in the year 1837, will be found interesting, as it explains both the origin and constitution of this Court.

Chairman (Sir William Molesworth).—"Have not several mutinies taken place in Norfolk Island amongst the convicts?"—"There have been attempts at mutiny."

"Do you know anything of one of the leaders of those attempts, a man of the name of Fitch?"*—"The man of the name of Fitch was not the leader in a mutiny. I believe that he had something to do with an attempt at seizing upon a vessel that was taking down the prisoners to Norfolk Island."

"What was that plan?"—"The plan laid was, I believe, at least it was said to be, to poison the ship's company; but I can only speak from such an indistinct recollection of the case, that I can hardly say that I could give any evidence very confidently on that point."

Mr. Ward.—"Did none of those cases occur during your residence in the colony?"—"Yes."—"Did they not come under the cognizance of yourself, or of some court?"—"The court in Norfolk Island would take cognizance of that."

Mr. F. Baring.—"There is a court there, is there?"—"Yes, a regular Criminal Court."

Sir George Grey—"Was it not found, from the absence of such a court, that offences were committed for the express purpose of convicts being removed to Sydney for trial?"—"I have

* The real name of this villain was John Knatchbull. He was of one of the best families in England, his brother being a Baronet. He himself had been a Commander in the navy. After various adventures, the wretched man was hanged at Sydney in the month of March, 1844, for a most brutal murder.

known desperate crimes committed by the convicts at Norfolk Island for the purpose of their being sent to Sydney, sometimes even to be tried for capital felony."

"In consequence of that being the case, was a law passed and carried into effect, establishing a Court in Norfolk Island?"—"In consequence of that, the Governor recommended a law to be passed for a court to be established at Norfolk Island. That recommendation was carried into effect, and an Act of Parliament was passed for the purpose of introducing a Court of Judicature in Norfolk Island, presided over by a Judge, who must be a barrister, and five military officers."

Mr. F. Baring.—"Have they power to commit for capital punishment?"—"All powers."

Mr. Ward.—"Is not almost every punishment in Norfolk Island capital?"—"No; there may be various grades of offence—insolence, for instance. Norfolk Island is subject to the same laws, of course, as New South Wales."

Chairman.—"You stated in a former answer, 'I have known desperate crimes committed by the convicts at Norfolk Island for the purpose of their being sent to Sydney, sometimes even to be tried for capital felony;' will you explain that?"—"The explanation is, that I have known crimes committed by convicts in order that they might be sent to Sydney to be tried; and I

have known false charges made by convicts for the purpose of being sent to Sydney to give evidence."

"Have you known murders committed for that purpose?"—"I have such cases in my recollection, but I could not now attempt to refer to them."

"Are you not aware that the chief cause of committing those crimes was that the residence at Norfolk Island was so exceedingly disagreeable and hateful?"—"I believe that to be the cause; an impatience of remaining in Norfolk Island, and a desire to get back to Sydney, taking the chance of escape, or any other casualty that might befal them. A man who accused three persons of the murder of Mr. McIntyre, swore to a great deal of falsehood, and he came up, as it appeared afterwards, merely for the purpose of being removed from Norfolk Island, accusing innocent men that he might be removed to Sydney for the purpose of giving evidence against them."

"So that you have known cases in which men have incurred the risk of the punishment of death for the sake of being removed from Norfolk Island?"—"I have."

Mr. Buller.—"Were the chances of escape considerable?"—"No. I do not know what chances they might have calculated upon, but I am aware that was attributed to them as one of the motives that induced them; the vessel might have been seized on the passage up, or

might have been wrecked on the coast, or they might have escaped from the hulk at Sydney, or when they were coming from the gaol to the Court-house, or coming back. In their desperate state, any speculation is gladly taken hold of by those persons."

"Was the chance of escape such that they calculated upon it?"—"I think that they calculated upon it, but I do not think the chance was enough to justify their expectation."

"Have you known any instances of escape under such circumstances?"—"Not one."

It is impossible to turn from this subject, without remarking, that if information of the severities which attend the punishment of transportation, in its most intense application, were duly disseminated by authority at home, that punishment would not be so lightly incurred by many who are ignorant of its nature.

CHURCH AND CHAPEL BUILDING, &c.

An Act, generally known as Sir Richard Bourke's Church Act, was introduced to the Council by that Governor, and proved one of the most popular measures which has ever been proposed to the colony. The object of the Act was, to authorize the Governor, with the advice of the Executive Council, to issue sums from the general revenues of the colony in aid of private

contributions for the building of churches and chapels, and the maintenance of ministers of religion. It was provided, that the sum granted by government should not exceed the amount of the private contributions which might be raised; and that the whole grant should never exceed one thousand pounds. Amounts issued in this way were, of course, to be applied to the erection of places of worship and dwelling-houses for the officiating ministers. The second clause authorizes the Governor and Executive Council to issue annual sums for the payment of stipends in proportion to the population of the district wherein the church or chapel is erected. A population of one hundred adults might claim for their minister one hundred pounds a year; two hundred adults one hundred and fifty pounds; and five hundred adults, two hundred pounds; which last named amount was not to be exceeded. Proof was required to be made to the Governor and Executive Council of the due and faithful performance of the duties in respect of which such stipends were paid.

The real estate in the site of all buildings erected under this Act, and in the buildings themselves was to be conveyed to trustees, who should be authorized to receive all moneys issued from the treasury, and to provide for the celebration of Divine Worship. Another clause provides, that in every church or chapel erected under this Act,

not less than one sixth part of the sittings shall be inscribed with the words "Free Seats," and appropriated to the use of poor persons resorting thereto.

This measure, which offers assistance to the members of every Christian denomination, was not received with much satisfaction by the members of the Church of England. Some condemned the principle of the measure *ab initio*, contending that the Church of England alone was entitled to receive the countenance of government; while others, with greater moderation, would have been content had the support been confined to such denominations as retained the essential doctrines of the Gospel. To all, however, support is alike offered; and the government of this colony assumes the dangerous position of one which distinguishes, not the evil from the good; which mingles the grapes and the thorns; the figs and the thistles, in one unwholesome mass.

MEDICAL PRACTITIONERS.

In the Session of 1838, an Act was passed providing for the attendance of medical witnesses at Coroner's Inquests, in which it was provided, that if, at the holding of any inquest, the Coroner, or other justice conducting the inquiry, ascertained that the deceased had not been attended by any "legally qualified medical practitioner," it should

in such case be lawful for the Coroner, or Justice, to summon the nearest "legally qualified medical practitioner" to give evidence at the inquest, and if necessary to make a *post mortem* examination of the body. A regulated remuneration was also authorized to be paid to such medical witnesses. An important omission was however made, which was quite characteristic of colonial legislation, and which virtually nullified the Act. The question immediately arose, "what persons were, for the purposes of the Act, to be deemed 'legally qualified medical practitioners?'" A supplementary Act was therefore passed, declaring such persons only to be qualified within the meaning of the Act, as produced before a Medical Board, appointed by the supplementary Act, satisfactory evidence of his being "a Doctor or Bachelor of Medicine of some University, or a Physician, or Surgeon licensed, or admitted as such by some College of Physicians, or Surgeons in Great Britain or Ireland, or a Member of the Company of Apothecaries of London, or who is, or has been, a medical officer, duly appointed and confirmed of her Majesty's sea or land service."

These Acts are important, as by them the medical profession has been established on a footing of respectability, and protected against the intrusion of ignorant and designing empirics.

OBSERVANCE OF THE SABBATH-DAY.

As an evidence of progressing improvement in the moral tone of society in the colony, it is gratifying to record, that an Act, introduced into the council, by the Bishop of Australia, for the purpose of prohibiting shooting for sport, or pleasure, or profit on Sunday, received the cordial sanction of the legislature, and has been found by the public not to be so oppressive in its enactments, as many persons, with whose diversions it interfered, were disposed to predict.

INSOLVENCY.

The colony is indebted to Mr. Justice Burton, late first Puisne Judge of the Supreme Court, for the production of a law for the Relief of Insolvent Debtors, and abolishing Imprisonment for Debt. The wisdom of the measure has been disputed; but there can be but one opinion as to the amount of relief it has afforded during an unprecedented pecuniary struggle, and it is something in favour of the measure, that the objections against it have generally proceeded from the grasping and disappointed usurer.

INCORPORATION OF SYDNEY AND MELBOURNE.

Two Acts were passed in the Session of 1842, the former of which declared the town of Sydney to be a city, and incorporated the inhabitants thereof; the latter incorporated the inhabitants of the town of Melbourne. The provisions of neither of these Acts call for any particular comment.

SECTION VI.

ANALYSIS OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF NEW SOUTH WALES, CONSTITUTED UNDER THE ACT OF PARLIAMENT 5 AND 6 VICT., C. 76, DURING THE SESSIONS OF 1843 AND 1844.

It is proposed to give in this section a detailed account of the labours of the Representative Assembly of this Colony, constituted under the provisions of the Act of the Imperial Parliament, 5 and 6 Victoriæ, Cap. 76, intituled "An Act for the Government of New South Wales and Van Diemen's Land," during the three Sessions held in the years 1843 and 1844. Such an account will, it is believed, be neither uninteresting nor unprofitable; for the principle of representation is one so intimately interwoven with the Constitution of Britain, that even her distant dependencies begin to babble of it, ere they can

well stand alone; and in New South Wales, the clamour had been loud and importunate, for years before the imperial legislature saw fit to concede the boon. It is well known, that the reason, which chiefly operated in the minds of British statesmen, causing them to entertain with so much coolness the oft-repeated petitions and remonstrances of the inhabitants of this colony, was the admixture with the population of a large number of persons who were, or who, at least, had formerly been, of depraved morals, but possessed of considerable wealth. To persons of that stamp it was considered unsafe to entrust the franchise, and still more so to make them eligible to senatorial honours; while the difficulty was fully perceived, of conferring a Representative Constitution on the colony, the provisions of which should not apply to persons of the emancipist class. There can be no doubt, that the prevalence of these notions at home is to be attributed to the partial and unjust representations of those who were disposed rather to trample on, than to elevate, the character of the emancipist population. Men of this disposition seemed incapable of estimating the ennobling tendency of political freedom, and persisted in asserting, that those who had broken the law, must therefore, *ex necesse*, be for ever disqualified for comprehending its value, and for rightly exercising political privileges. It would be needless in this place to do more than allude to these

discussions; they are, it is to be hoped, for ever at an end; for though, previously to conceding the principle of representation, her Majesty's government considered it necessary to deprive the colony of its penal character, it may confidently be maintained, that the proceedings of the new legislative body have afforded no ground for regret that the principles of the exclusionists were not recognized in the new Constitution. That invidious distinctions will become every day more and more inoperative, and that merit alone will be considered the true path to honour, there is now every reason to believe.

Before proceeding to the main business of the section, courtesy appears to require a single remark or two on the general character of the administration of his Excellency Sir George Gipps, who arrived in Sydney on the 24th of February, 1838, and has continued to preside over the affairs of the colony to the present time. It is always a delicate task to comment upon the qualities of those who are in authority over us, and for this obvious reason, it will be necessary to be brief. That Sir George Gipps is a man of commanding ability, great energy of mind, and habitual firmness, and perseverance, even the enemies of his administration have hardly ventured to deny; the utmost that his opponents allege is, that his measures are not framed with a due consideration of the wants of the colony, and that he is not

sufficiently ready to be influenced by the representations of those who fancy themselves endowed with oracular powers. It is very far, however, from the design of this work to enter upon the field of contest between the government and anti-government parties. The different questions at issue will of course pass under review in the course of the subsequent analysis, but mere party statements on either side will be studiously avoided. It is, however, but common justice to his Excellency to observe, that the circumstances in which he has been placed, through the whole course of his administration have been peculiarly harassing and perplexing. At the time of his Excellency's assumption of the government, the colony was in a most flourishing condition; and though it is true, that the subsequent depression was to be attributed to the madness of speculators, rather than to the measures of government, the politicians of the colony were not generally acute enough to perceive, or candid enough to admit, their errors; but would have it, right or wrong, that the Governor alone was to blame for the change which had come over the spirit of their avaricious dreams. That government availed itself of the land mania in Port Phillip, which was at its height during the earlier years of Sir George Gipps' government, and brought into the market land, which was purchased by jobbers, to the injury of the *bonâ fide* settler, is undoubtedly true; and this policy

has previously been spoken of in terms of reprobation; but the singular fact is, that the disappointed jobber, and not the honest deluded settler, is the source from which this unqualified abuse—for it amounts to that—of Sir George Gipps and his government proceeds.

The new Constitution of the Colony has also operated prejudicially to the popularity of his Excellency. The number of elective members being double that of the Crown nominees, the Governor does not find the same facility in carrying his measures as he enjoyed formerly. On the contrary, it is to be feared, that certain gentlemen of the opposition party have evinced a disposition to throw obstacles in the way of the government; and it is certain, that their language has, on some occasions, betrayed a spirit anything but consistent with his Excellency's position as the representative of her Majesty. In contrast with such indecorous conduct, the dignified and imperturbable demeanour of the Governor has appeared to great advantage; and it is to be hoped, that the gentlemen alluded to will feel it more in accordance with the senatorial character to refrain from so objectionable a course. It is only right to add, that these discourteous feelings, so far from being participated by the majority, even of those who are generally opposed to his Excellency's measures, are confined to one or two individuals. There certainly is, however, a general

feeling, throughout the colony, of want of confidence in his Excellency's government; and, though much of this feeling doubtless originates in the gloom which has been cast over our affairs by unsuccessful speculation, it were to be wished that his Excellency's instructions from the Colonial Department permitted him to attempt, in some way, a revival of public confidence. Until some conciliatory measure be announced, it is to be feared, Sir George Gipps will have to contend against a spirit of factious opposition, backed by the shouts of the disaffected, which those who would gladly co-operate in the advancement of the welfare of the colony are not always able successfully to resist. Were his Excellency to reflect that several of his measures have been characterized by a want of foresight, and based upon superficial views of economy, he would be less unwilling to listen to the friendly voice of expostulation. If he reflected, that, though the offensive declamation levelled against him proceeds from the ruined gambler, rather than from the honest insolvent, a great amount of *real* injury was produced by the injudicious manner in which he, at one time, overloaded, and, at another, suddenly contracted the currency; if he reflected on these things, and on the fearful devastation caused by the hurricane which has swept over the land, he would be more ready to pardon an occasional ejaculation of impatience, and would seek to pour water rather than oil, upon the

fires of political animosity. But it is time to proceed.

The Act of Parliament, 5 and 6 Vict. c. 76, is of so much consequence to this colony, that a somewhat minute analysis of the several provisions seems indispensable.

The preamble merely states, that "it is expedient that further provision be made for the Government of New South Wales;" and the first clause enacts, "That there shall be within the colony of New South Wales a Legislative Council;" "and that the said Legislative Council shall consist of thirty-six members," twelve of whom shall be nominated by her Majesty, and the remaining twenty-four elected by the inhabitants of the colony. The second clause enacts that "the Legislature, now by law established," shall "make all necessary provisions for dividing the parts of the said colony within the boundaries of location into convenient electoral districts," for preparing lists of electors, for revising such lists, for appointing returning officers, for issuing and returning writs, and taking the poll at elections, and for determining the validity of disputed returns.

The third clause is merely temporary in its nature, authorizing the Governor to define the electoral boundaries of the several towns and districts, while, by the fourth clause, the power of altering the former divisions, and of establishing new ones, is vested in the Governor and the future Council.

Power is also given to alter the number of members returnable by each town or district, "and to increase the whole number of the Legislative Council;" provided always that one-third of the additional councillors shall be appointed by her Majesty, the remaining two-thirds being elected as before.

The qualification of electors is defined by the fifth clause, to be the possession of freehold estate of the value of two hundred pounds, or the occupation of a house of the annual value of twenty pounds. The next clause disqualifies minors, foreigners, and convicts, except such of the latter class as have received a full or conditional pardon, or undergone the period of their sentences. The seventh clause declares possession or occupancy of the house or estate, for six months before the date of the writ of election, and also the payment of all rates and taxes, necessary to qualification.

The eighth clause limits the eligibility of members to serve in the Legislative Council to those who have attained the age of twenty-one years, to subjects of the Queen, whether by birth or naturalization, and such as possess a freehold estate in lands and tenements in New South Wales, of the value of two thousand pounds, or one hundred pounds per annum; to the value of which estate, and to the absence of collusive or colourable possession thereof, the candidate shall, if required by any other candidate, or by any elector, or by the

returning officer, make an explicit declaration,* the form of which is prescribed in the ninth clause. The tenth clause affixes the pains and penalties of perjury to the making a false declaration respecting qualification. The eleventh clause authorizes the Governor to issue a writ for the election of members to serve in case of vacancy.

Clauses 12—19 inclusive are occupied with provisions for the appointment and tenure of seat of the members. Non-elective members may either be nominated directly by the Queen, by warrant under the sign manual, countersigned by one of her Majesty's principal Secretaries of State; or they may be appointed by the Governor provisionally, and until her Majesty's pleasure be known; and they may be designated either by their own proper names, or as the holders for the time being of any public offices within the colony. This delegated power of nomination, however, may not be exercised by the Governor until all the writs for the election of the elective members have been returned; nor can more than half of the non-elective members be holders of public offices. The

* This part of the Act has been amended by an Act passed in the last Session of Parliament. The personal attendance of the candidates at the elections is often impracticable from distance, and the difficulty of travelling: and it is now sufficient, if an elected member make the declaration of qualification in writing under his hand addressed to the Speaker before he takes the oath.

appointments made by the Governor are by letters-patent under the great seal of the colony, and continue in force for five years, or until the dissolution of the Council. Any Member of the Council, however, may by writing under his hand, addressed to the Governor, resign his seat. If any member also absent himself for two successive Sessions, or make allegiance or adherence to any foreign Prince or power; or become bankrupt, or be attainted of treason, or convicted of felony, or become *non compos mentis,* his seat becomes thereby vacant; and on any non-elective member, who has been designated as the holder of a public office, ceasing to hold such office, his seat likewise becomes vacant. Questions arising respecting vacancies must be heard and determined by the Legislative Council, on such questions being referred to them by the Governor, and not otherwise. If the seat of any non-elective member, who has been designated in his nomination as the holder of some public office, become vacant, the vacancy shall continue till the appointment of another person to fill the same office. Vacancies in the seats of non-elective members who have been designated by their proper names may be filled up by the Governor's nominating another person in a similar way, the said nomination to continue in force until disallowed or superseded by her Majesty.

The twentieth clause gives power to the Gover-

nor to fix places and times for holding the Council, and also to prorogue and dissolve the Council, by proclamation or otherwise, whenever he shall deem it expedient.

The twenty-first clause provides that there must be a Session of Council at least once in every year; and also that the Council shall be dissolved by effluxion of time in five years from the return of the writs, if the Governor have not previously dissolved it. And the twenty-second clause orders that the first writs for the election of members shall issue within twelve months from the proclamation of the act.

Before proceeding to the despatch of any other business, it is necessary for the Council to elect a Speaker, whose election is, nevertheless, subject to the allowance of the Governor, who, indeed, may disallow the election of every member in succession to the office of Speaker, if he should be so disposed. The Council is not competent to transact business, unless there be one-third of the members present, exclusive of the Speaker. Questions are decided on division by a majority of the members present, other than the Speaker, who, however, has a casting vote in case of equality of votes. Vide clauses 23 and 24.

The following is a copy of the oath prescribed by the twenty-fifth clause to be taken and subscribed by every member before he can either sit or vote in the Council, before the Governor or

persons authorized by him to administer the oath. Affirmations instead of oaths may be taken from Quakers and Moravians.

"I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to her Majesty, Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Colony of New South Wales, dependent on and belonging to the said United Kingdom, and that I will defend her to the utmost of my power, against all traitorous conspiracies and attempts whatever which shall be made against her person, crown and dignity; and that I will do my utmost endeavour to disclose and make known to her Majesty, her heirs and successors, all treasons, and traitorous conspiracies, and attempts which I shall know to be against her or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person, or persons, whatever to the contrary. So help me God."

The Governor, with the advice and consent of the Council thus constituted, has power "to make laws for the peace, welfare and good government of the said colony: provided always, that no such law shall be repugnant to the law of England, or interfere in any manner with the sale or other

appropriation of the lands belonging to the Crown within the said colony, or with the revenue thence arising."* Vide clause 29.

Bills may originate either with the Governor or within the Council. In the former case, the Governor transmits by message to the Council a draft of the law which he proposes to introduce, and the same is taken into consideration by the Council in like manner, as if it had been a bill originating therein. The Governor may also propose, by message to the Council, amendments on any bills sent up to him for her Majesty's assent, which the Council may adopt or not, as they think proper. Every bill passed by the Council, whether the same may have originated with the Governor, or within the Council, whether amended or not, must be presented to the Governor for her Majesty's assent, which he gives or withholds according to his discretion, or declares "that he reserves such bill for the signification of her Majesty's pleasure thereon." All bills affecting the division and extent of electoral districts, or establishing new divisions, or altering the number of members of Council, or altering the salaries of the Governor, superintendent or judges, as well as all bills altering or affecting the duties or customs upon imports or exports, must be reserved for her Majesty's pleasure. Her Majesty, by an order in Council, may disallow any bill assented to by the Governor, within two years

after the receipt of a copy of it by the Secretary of State, and on notification of such disallowance being signified by message to the Council, or proclamation in the Government Gazette, the Act forthwith becomes null and void. In the case of bills reserved for her Majesty's pleasure, they have no force within the colony, until her Majesty's assent has been signified. Vide clauses 30—33 inclusive.

Clauses 34—40 inclusive, provide for the appropriation by the Council of " the whole of her Majesty's revenue within the said colony, arising from taxes, duties, rates, imports, &c., to the public service of the said colony; it is necessary, however, for the Governor first to recommend to the Council to make provision for the specific public services to which such moneys are to be appropriated. All such moneys are to be issued in pursuance of warrants under the hands of the Governor, addressed to the colonial treasurer. The revenue is permanently chargeable with all costs of collection and management. A provision of £33,000 is made for the payment of the salaries of the Governor and judges, and for the administration of justice; also of £18,600 for the salaries of public officers and pensions; and of £30,000 for Public Worship throughout the colony.

A most important part of the Act remains to be noticed, viz: the provision for the constitution of district councils.

The forty-first clause runs as follows: "And whereas it is expedient that provision be made for the local government of the different parts of the said colony; be it enacted, that it shall be lawful for the Governor, by letters patent under the great seal of the colony of New South Wales, to incorporate the inhabitants of every county within the said colony, or of such parts of counties or other divisions as to him shall seem fit, to form districts for the purposes of this Act, and by such several letters patent to establish a council in every such district for the local government thereof, &c. Certain provisions follow, fixing the proportion which the number of district councillors for any district shall bear to the population of the district, the number of councillors being in no case less than nine, nor greater than twenty-one. The qualifications of members and electors are for the present the same as those already fixed for members and electors in the case of the Legislative Council.

These district councils are empowered by clause 43, to make bye-laws for their respective districts, for roads and public buildings, for the management of the district property, for providing the means of defraying a proportion of the expenses incurred on account of the administration of justice and police, for the establishment and support of schools, for providing for the collecting of tolls, rates and

assessments, and for any other matters referred to them by the Governor and Legislative Council. Further and more minute provisions for the Constitution of the district Councils are made by the three succeeding clauses, and clause forty-seventh contains an enactment that one half of the expense of the police establishment of the said colony, (exclusive of the convict establishment,) shall be defrayed out of the general revenue, and the other half raised by the district Councils, in conformity with the provisions of the forty-eighth, forty-ninth, and fiftieth clauses.

In the fifty-first clause, provision is made for the future division of the colony of New South Wales, into two or more colonies, specifying, however, " that no part of the territories lying southward of the twenty-sixth degree of south latitude in the said colony of New South Wales shall by any such letters patent as aforesaid be detached from the said colony."

The remaining five clauses are occupied with providing for the government of the proposed new colony to the northward, removing doubts as to the validity of laws and ordinances passed by the old council, and rendering permanent the government of Van Diemen's Land. The three last clauses are merely formal.

On receipt of this Act, his Excellency took immediate measures to carry into effect its provisions. Having summoned the old Legislative Council, the Act was laid upon the table, together with Lord Stanley's despatch, transmitting the same. A bill for dividing the colony into electoral districts, &c., was then introduced by his Excellency, who also recommended the appointment of a committee to consider in what manner a suitable chamber could best be provided for the new council.

This committee, having examined the Colonial Architect, reported on the expediency of erecting an addition to the building in which the old council was held. Accordingly, the elegant little wing at the northern extremity of the old buildings in Macquarie Street, was erected. It contains one large room, forty-six feet by twenty-eight, and twenty-eight feet high, which, with retiring rooms for the Speaker and Members, the Colonial Architect estimated might be completed for about £2,000. This building was ready for the reception of the new council in four months. A gallery, capable of holding eighty persons was erected at one end, and subsequently a reporter's gallery has been added. An attempt was made during the last Session to introduce the Bude light into the chamber, but it proved a failure, though £200 was expended on the experiment.

By proclamation of his Excellency, the new council was summoned to meet for the first time, on Tuesday, August 1, 1843.

The following is a list of the gentlemen nominated, or returned as members of the first Legislative Council under the new Constitution.*

The following gentlemen have been appointed to the subordinate offices in connection with the council:—

John Stirling, Esq., Serjeant-at-Arms.
William Macpherson, Esq., Clerk of Council.
J. O'Connor, Esq , Assistant Clerk and Librarian.

The office of chairman of committees of the whole house was filled, during the first and part of the second Sessions, gratuitously, by Hastings Elwin, Esq.; but, on the resignation of that gentleman, Charles Nicholson, Esq., M.D., was elected to the office, with a salary of £250 per annum.

NOMINATED BY THE GOVERNOR, ON BEHALF OF HER MAJESTY.

Designated as holders of public offices.

His Excellency, Sir Maurice C. O'Connell, K.C.B., Lieutenant-General, Commanding the Forces.
Honourable Edward Deas Thomson, Colonial Secretary.
Hon. Campbell Drummond Riddell, Colonial Treasurer.
Lieutenant-Col. J. G. N. Gibbes, Collector of Customs.
William Lithgow, Esq. Auditor-General.
*Lieutenant-Colonel Barney, Colonial Engineer.

Designated by their proper names.

Alexander Berry, Esq.
*John Blaxland, Esq.
Thomas Icely, Esq.
Edward Hamilton, Esq.
*Hastings Elwin, Esq.
*Richard Jones, Esq.

* Those members to whose names an asterisk is prefixed have resigned their seats.

REPRESENTATIVE MEMBERS.

Electoral Districts.	*Representatives.*
City of Sydney	W. C. Wentworth, Esq. William Bland, Esq.
County of Cumberland	Charles Cowper, Esq. William Lawson, Esq.
Town of Paramatta	H. H. McArthur, Esq.
County of Argyle	William Bradley, Esq.
County of Northumberland	William Foster, Esq.
St. Vincent and Auckland	J. Coghill, Esq.
Cumberland and Boroughs	W. Bowman, Esq.
Georgiana, King, and Murray	T. Aubrey Murray, Esq.
Cook and Westmoreland	John Panton, Esq.
Northumberland Boroughs	D'Arcy Wentworth, Esq.
County of Bathurst	Francis Lord, Esq.
County of Camden	*Roger Therry, Esq.
Roxburgh, Phillip, & Wellington	W. H. Suttor, Esq.
County of Durham	Richard Windeyer, Esq.
Gloucester, Macquarie, & Stanley	Alexander McLeay, Esq.
Hunter, Brisbane, and Bligh	W. Dumaresq, Esq.
Town of Melbourne	*Henry Condell, Esq.
District of Port Phillip	*C. Hotson Ebden, Esq. Thomas Walker, Esq. C. Nicholson, Esq., M.D. *Alex. Thomson, Esq. J. Dunmore Lang, D.D.

The Council having assembled, and the oaths having been administered by Commissioners appointed by his Excellency for that purpose, Alexander McLeay, Esq., was elected to the office of Speaker, which election was approved by his Excellency.

On Thursday, the 3rd of August, his Excellency,

the Governor, repaired in person to the council chamber, and opened the business of the Session in a speech, congratulating the Council on the introduction of popular representation into the Constitution of the colony, and expressing his cordial satisfaction in welcoming to the chamber the first representatives of the people. His Excellency alluded to the embarrassments under which the colonial community laboured, but expressed doubts whether any legislative enactments would tend to relieve them. The concluding paragraph deserves to be quoted entire:—

"I cannot, Gentlemen, on this my first occasion of addressing you, avoid adverting to the peculiar Constitution which has been given to your body—or, to the fact, that to you singly have been confided powers which in some of the older colonies of Great Britain, are divided between two separate bodies.

"The Council, Gentlemen, is composed of three elements, or of three different classes of persons—the representatives of the people—the official servants of her Majesty; and of gentlemen of independence, the unofficial nominees of the Crown.

"Let it not be said or supposed, that these three classes of persons have, or ought to have, separate interests to support—still less that they have opposing interests, or any interest whatever, save that of the public good. Let there be no rivalry between them, save which shall in courtesy

excel the other, and which of them devote himself most heartily to the service of their common country."*

It will be convenient to arrange the business of the Council, during the sessions about to be reviewed, under the three heads of "Resolutions," "Reports of Select Committees," and "Acts." It will also be convenient to complete at once the subjects under each head, instead of recording the proceedings of the Council in dull chronological order.

SESSIONS 1843.

RESOLUTIONS.

Prayer, August 10.—Dr. Lang moved, "That, as it is the bounden duty of the legislature of any Christian country, and accordant with the uniform practice of both Houses of Parliament in the United Kingdom, to commence the business of each day with a solemn recognition of the Divine Majesty, and a humble invocation of the Divine blessing, public prayers to Almighty God be offered up daily at the opening of this Council, as soon as the Speaker shall have taken the chair."

The arguments used in support of this resolution were such as would obviously occur to any man of a religious habit of mind; but fears were expressed, that the service might degenerate into

a mere formality, and after considerable discussion, the resolution was negatived by a majority of nineteen to eight.

Salary of Governor, &c., September 30.—Mr. Windeyer moved the following resolution: "That it is the opinion of this Council, that it is expedient to fix, by colonial enactment, the salary of any future Governor of this colony, and also that of the Superintendent of Port Phillip." The resolution was carried, and Mr. Windeyer obtained leave to bring in a Bill to effect the object of the resolution.

Distressed Operatives, October 3.—The Colonial Treasurer moved, "That this Council will make good any sums, not exceeding £2,500, which may be expended by his Excellency, the Governor, in giving employment to distressed mechanics and labourers, having families, in Sydney, during the remainder of the present year." This humane resolution was adopted, but it is painful to add, that the relief which it afforded was only temporary and partial.

Police Expenditure, October 3.—The Council having gone into Committee on the Estimates of Expenditure for the year 1844, the Chairman in reporting progress to the House, brought up the following resolution:—"That in the present state of the colony, it is highly inexpedient, if not impossible, to cast any portion of the Police

Expenditure on the county districts.* That this Expenditure, therefore, for the year 1844, be defrayed, as hitherto, out of the general revenue." This resolution was adopted by the House; and was, on the 10th of October conveyed to his Excellency, in an Address, moved by Mr. Windeyer, praying his Excellency to take such measures as might be requisite for giving effect to the same, without injury to the public service.

In his reply to this Address, his Excellency referred to the 47th clause of the Act 5 and 6 Vict. c. 76; but at the same time expressed his sympathy with the feelings expressed by the Council for the distresses of the country districts; and considering the difficulty which would inevitably arise to those districts in providing, shortly after their formation, for the large sums of £19,130 (the proportion which, according to the Act, would fall to be provided by them), his Excellency declared his willingness to share with the Council the responsibility of postponing for one year a compliance with the requirements of the Act of Parliament to which the resolution pointed. The Council, on the motion of Mr. Wentworth, presented an Address to the Governor, thanking him for the readiness with which he had consented to share this responsibility.

Convicts in Gaols, October 11.—Another re-

* Vide the analysis of the Constitution Act, previously given.

solution was this day brought up by the Chairman of the Committee of the whole House on the Estimates for 1844, to the following effect:—"That, in the opinion of the Committee, the expense attending the confinement of convicts in the various gaols and houses of correction throughout the colony, ought not to be borne by the colonial revenue."

On the 26th of the same month, Mr. Windeyer having moved for leave to bring in "A Bill to provide a Gaol for the confinement of transported Convicts," the motion was negatived, and a resolution adopted, which was subsequently reduced to the following form: — "That, in the opinion of this Council, the 47th clause of the Act of the Imperial Parliament, 5 and 6 Victoriæ Reginæ, cap. 76, distinctly exempts the colonial revenue from all expenses of Police, connected with the Convict Establishment, and implicitly sanctions their payment from the Military Chest; and this Council, therefore, adheres to the resolution passed on the 11th inst. in reference to the support of convicts in gaols in this colony."

This resolution having been communicated to his Excellency, a few days afterwards a message was received by the Council, in which the Governor stated, that the question depended on the meaning attached to the phrase in the 47th clause of the Act, "*exclusive of the Convict Establishment.*"

"The Convict Establishment of New South

Wales," observes his Excellency, "in the most comprehensive sense of the expression, includes all separate establishments which are supported out of funds voted from year to year by Parliament, such as those at Norfolk Island, Cockatoo Island, and Hyde Park Barracks; also the Female Factory, the Convict Hospitals, the Treadmill, the Ironed Gangs, and some few others of minor importance; but her Majesty's government has, for several years past, refused to recognize the gaols or police of the colony as parts of the Convict Establishment, the expences of which ought to be defrayed out of parliamentary funds; and I am forced to add, that, had the intention of the 47th clause of the recent Act of Parliament been such as it is taken to be by the Council, I cannot doubt that I should have had some instructions from her Majesty's government, with respect to the important changes which it would effect in the financial arrangements of the colony, and of the Military Chest. No such Instructions, however, have been received by me; and I have, consequently, no authority whatever to make any payment out of the Military Chest, on account of the police or gaols of the colony."

Unemployed Labourers, November 15.—On the motion of the Colonial Secretary, pursuant to notice, the Council went into Committee,* to con-

* The 39th Standing Order of the Council declares, "That matters connected with Finance shall be discussed only in a Committee of the whole Council."

sider the expediency of appropriating a sum of money to enable a number of unemployed married labourers, at present in Sydney, to proceed with their families to the country districts where they may find employment. The Chairman reported the following resolution:—"Resolved, That a sum not exceeding £500 be appropriated to enable a number of the unemployed married labourers, at present in Sydney, to proceed with their families to the districts of Moreton Bay, Hunter's River, Bathurst, Goulburn, Yass, Illawarra, and other country districts where they are likely to find employment." This resolution was unanimously adopted by the House; and it is satisfactory to state, that, though the sum involved was considerably less than the sum previously voted, for providing employment for distressed operatives, yet the relief afforded was far more effectual, many of the parties sent into the interior by the means so judiciously voted by the Council, having been enabled to provide a comfortable support for their families in the less populous districts, which they had failed to procure in the busy and densely inhabited metropolis.

Upset price of Crown Lands, December 15.—A Select Committee appointed at an earlier period of the session, having brought up their report, Mr. Murray moved that the following resolutions founded on the Report, be adopted by the House. The resolutions were moved *seriatim*, and debate ensued on some of them, so that they were not all proposed on the same day.

1st. "That the waste lands of this colony constitute an important element of national wealth, which must lie dormant and unproductive, until brought under occupancy or cultivation." (Carried).

2nd. "That immigration to this colony—the extension of its population—and the occupation of its territory, are, and must continue to be, seriously checked and retarded, so long as 20*s.* an acre shall be, either by law or regulation, the minimum upset price of waste lands in the colony." (Carried.)

3rd. "That the value of land must depend upon the return or profit derivable from it; and that a minimum price of 20*s.* an acre, so far exceeds all attainable profits, in most instances, that it virtually amounts to a prohibition upon sales." (Carried).

4th. "That, as land is diversified in quality, so must it vary in value; and, therefore, that a uniform minimum price, is inapplicable to a whole territory, unless it be so low as to be merely commensurate with the value of inferior tracts, leaving the selling prices of richer parts to be determined by public competition." (Carried.)

5th. "That the waste lands should be made a means of introducing immigrants, by allowing a remission in the purchase of country lands to newly arrived settlers, in proportion to the cost of their own passages, those of their own families, or the number of labourers they bring into the colony; and that such remission should be at the rate of

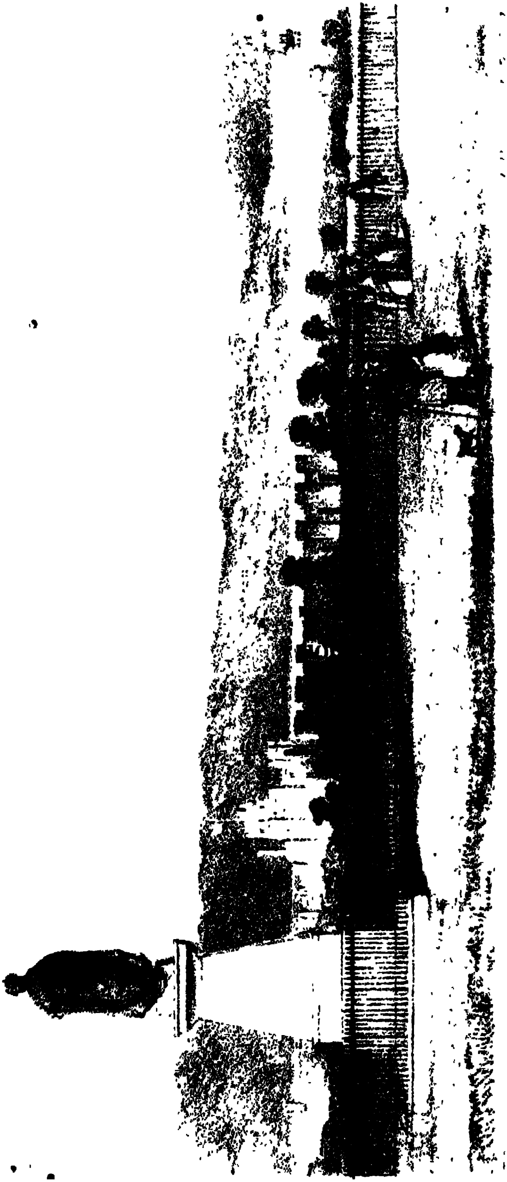
£80 for every cabin, £40 for every intermediate, and £25 for every steerage passenger, with a proportionate allowance for children, according to the Bounty System, or the Passengers Act." (Carried.)

6th. "That an Address be presented to his Excellency, the Governor, requesting him to forward these resolutions, together with copies of the report and evidence, to the Right Honourable the Secretary of State, for the information of her Majesty and both Houses of Parliament." (Carried.)

It is, perhaps, unnecessary to observe, that besides the various resolutions which have been quoted as having been adopted by the House, or, at least, moved, many other sets of resolutions were announced for motion, which were subsequently withdrawn. As the object of the section is to record *the bonâ fide business* of the Council, it has not been considered necessary to allude to mere "notices of motion."

END OF VOL. I.

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A

HISTORY

OF

NEW SOUTH WALES,

FROM ITS SETTLEMENT

TO

THE CLOSE OF THE YEAR 1844.

BY THOMAS HENRY BRAIM, ESQ.

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As in a cradled Hercules, we trace
The lines of Empire in thine infant face.
CAMPBELL

IN TWO VOLUMES.

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THE HISTORY

OF

NEW SOUTH WALES.

CHAPTER I.

SECTION VI. (*Continued.*)

ANALYSIS OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF NEW SOUTH WALES, CONSTITUTED UNDER THE ACT OF PARLIAMENT 5 & 6 VICT. C. 76, DURING THE SESSIONS OF 1843 AND 1844.

REPORTS OF SELECT COMMITTEES.

SESSION 1843.

FIFTEEN Select Committees were appointed by the Council during the Session 1843. The reports of two of these, viz: of that appointed to prepare a draft of standing orders for the business of the Council, and of that to which the Registry Bill was referred, were not printed. The remaining

thirteen Reports, however, are before the public, and contain, with the documents appended to them, a vast amount of information upon the present condition of the colony. A succinct analysis of these will now be offered to the reader.

1.—SCOTS' CHURCH PETITION COMMITTEE.

To this Committee was referred the Petition of the Trustees, Elders and Committee of Management of the Scots' Church, Sydney, praying the Council to recommend to his Excellency to place on the supplementary estimate a sum not exceeding £1,480, towards the liquidation of the debt on the Church. The Committee reported in favour of the petition, and moved the Council to address his Excellency in recommendation of its prayer. His Excellency declined, however, to accede to the wishes of the petitioners, on the ground that "the remission of a debt of £520, due from the trustees to the government, was considered, so lately as the year 1841, to be a final settlement of the claims of the Church on the Government."

2.—OVERLAND ROUTE TO PORT ESSINGTON COMMITTEE.

A select Committee was appointed on the 3rd of October, in consequence of the following resolution

of the Council, moved by Dr. Nicholson: "That whereas, the establishment of an overland route, between the settled parts of New South Wales and Port Essington, will be attended with important additions to our geographical knowledge of the interior of Australia, and is an object, the accomplishment of which is also likely to be attended with great advantages to the commercial and other interests of this colony, by opening a direct line of communication with the islands of the Eastern Archipelago, with India, and other parts of Asia. Resolved, that a Committee be appointed for the purpose of inquiring into the practicability of such a design, and the means whereby it may be carried into effect; and that they do report to the Council the result of such inquiry, with as little delay as possible."

Though the extension of geographical knowledge, and the formation of new commercial relations, are set forth as the ostensible objects for which this Committee was appointed, there was another object to which the Committee directed considerable attention, viz: the possibility of procuring labourers from the smaller islands of the Indian Archipelago. With reference to this subject, the Committee examined George Windsor Earl, Esq., a gentleman who had been engaged during a period of five years in visiting various ports and islands of the Indian Archipelago. From the evidence of this gentleman, it appeared

highly probable, that a valuable description of labourers might be procured from the Serwatty Islands and Timor Laut, a chain of islands extending to the eastward of Timor. "These islands," observed Mr. Earl, "are very populous, so populous indeed, that sometimes the distress among them is very great. The last time I visited Kissa, an island near Timor, where there are a considerable number of Christians,* they had been suffering from drought for three years, and out of a population of eight thousand, they had lost three hundred from starvation, or from diseases produced from being obliged to resort to a very

* These islands were christianized by Dutch missionaries, about two hundred years ago. The following additional extract from the examination of Mr. Earl, having reference to this subject, will be interesting:—

Question 42.—"Have the people of many other islands besides Kissa, been evangelized by the Dutch?"—"There are many Christians on the other Serwatty Islands, and also on Timor and Rattee. The people of Amboyna, about thirty-five thousand in number, are Christians almost to a man. This island is the head-quarters of Christianity in this part of the world. There are also a few on the Arra Islands. The natives who are not Christians are Pagans, except at Ceram, where there are a few Mahomedans."

Question 43.—"Have they ministers of religion?"—"They have; they call them teachers, and they are chiefly natives of Amboyna."

Question 44.—"Are they well educated?"—"Not highly; they read and write very well; almost their only book is the Bible."

inferior description of food, such as the young shoots of trees. If I had had the means at that time to have removed them, a half or two-thirds of the population would have been glad to have gone to Port Essington with me." The following question was proposed by Mr. Elwin: "What do you think is the difference between the natives of these islands, and the people of Continental Asia, as to their ability to bear cold?"—"The people of Continental Asia could bear it best of the two, but even these would suffer greatly round Cape Leeuwin, so much so, that I think that few Indian labourers could be induced to come by that route, when they became acquainted with what they would have to endure." In answer to a question from Dr. Nicholson, Mr. Earl added: "indeed it is my opinion, that no description of Indian labour can be advantageously brought here, unless some other channel is found than that round Cape Leeuwin."

With reference to the practicability of an overland route, and the desireableness of attempting it, the Committee examined Sir Thomas Livingstone Mitchell, Surveyor-General of the colony. His opinion was most decisive on the subject. The substance of his evidence is summed up in the last answer.

Question 17. "Do you, from a consideration of the subject, anticipate many advantages from opening such a line of communication as that proposed to

Port Essington?"—"I do. Tropical Australia is wholly unknown within the coast lines; the proposed undertaking would be of considerable advantage to the colony; and, both as to the immediate results to be expected, and the objects to be ultimately accomplished thereby, this seems to be the most important expedition that could ever be undertaken in Australia. The season happens to be more favourable, from the rains, than any we have had for many years past. The direction of the line of route proposed would be available, not to our colony only, but to that also of South Australia, from whence a route along the right bank of the Darling could join at Fort Bourke. From Melbourne, a similar route to cross the Murray about the junction of the Murrumbidgee would also fall in with the line in a nearly straight direction. New Zealand is in the prolongation of the same route through Sydney; and from whatever colonies may be established at, and beyond Moreton Bay to the northward, the roads connecting them also with this proposed general route would be short and direct, externally. In thus opening a road through Australia from her infant colonies, towards the peopled parts of the earth, the most flattering prospects seem to depend on the success of such a journey; greater certainty and celerity in our communication with the mother country; more immediate access to India and China; cheap labour (perhaps) brought within our reach, this depending

on an easy route being discovered. In short, what may intervene along a line of such importance, ought in my opinion, to be ascertained at almost any risk. The journey is long, but it tends directly towards England, yet at the same time, towards India and China. The line would bring the colony, where population is scarce, into contact with places where it is most abundant, and a vast extension of the human race, to the southward of the equator is among the probable results."

It is unnecessary to say that the Committee reported favourably on the proposed expedition. An address accordingly was voted by the Council, requesting that his Excellency would be pleased to take such steps as might be necessary, for carrying into effect the recommendation of the Committee, and that a sum might be placed upon the estimates, to meet the necessary expenses involved. His Excellency, however, while fully recognizing the importance of the proposed attempt to reach Port Essington by an overland route, declined "undertaking without the knowledge of her Majesty's government, an expedition of so hazardous and expensive a nature."

In order, therefore, to obtain her Majesty's pleasure on the subject, his Excellency promised to lose no time in transmitting a copy of the address to the Secretary of State for the Colonies.

3. POSTAGE RESOLUTIONS' COMMITTEE.

A series of resolutions were proposed to the Council by Dr. Lang, the object of which was to recommend a reduction in the rates of postage chargeable on letters. It was proposed that town letters should be charged only one penny, irrespective of weight up to four ounces; that for greater distances, the charge should be two pence per half ounce; that for ship letters, the charge should be two pence, irrespective of weight, but that the inland postage should be added; that the privilege of franking should be abolished; and that the postage of the military, commissariat, and convict departments should not be chargeable on the colonial revenue.

The Report of the Committee to whom the resolutions were referred, was generally favourable, the only exception being in the case of ship letters, in the postage of which the committee did not think it necessary to make any charge. The postage at present chargeable on ship letters whether posted or delivered within the colony, is three pence, in addition to inland postage.

Notwithstanding the recommendations of the Committee, however, the Council did not see fit to entertain the amendments of the Postage Act founded on those recommendations; the Bill introducing those amendments, being thrown out

in a Committee of the whole House. It is understood, however, that the government are very desirous of effecting a reduction in postage charges, so soon as it may be done with security to the revenue.

4. MONETARY CONFUSION COMMITTEE.

This Committee was appointed, on the motion of Mr. Windeyer, "to consider of the means of staying the further evil consequences to be apprehended from the monetary confusion, adverted to in the speech of his Excellency, the Governor, at the opening of the present Session of the Council." The Committee consisted of ten Members,* the largest number which can, according to the standing orders, be appointed to form a Select Committee, and was perhaps the most important Committee of the Session, not only on account of the results which flowed from its labours, but on account of the mass of evidence which has been given to the world respecting the late monetary crisis, which has so severely affected every class of the colonial community. Some portions of this evidence cannot fail to be interesting to the reader.

* The Members were Mr. Windeyer, chairman; the Colonial Treasurer, the Auditor-General, Mr. Ebden, Dr. Lang, Dr. Nicholson, Mr. Wentworth, Mr. Murray, Mr. Hamilton, and Mr. Coghill.

and no apology is necessary for making copious extracts.

William Hamilton Hart, Esq., Superintendent of the Bank of Australasia, being asked his opinion respecting the present monetary embarrassment of the colony, stated, that, in the first place, he attributed it to the depreciation which had taken place in the home markets in the staple commodities of colonial commerce—wool and oil. " A very material agent too in bringing about the crisis was the wild spirit of speculation which pervaded all classes of the community in the years 1839, 1840, 1841—a speculative mania, which, unhappily, was fostered and encouraged by the banks, and by the government."

The evidence of Mr. Hart is corroborated by that of Mr. Maclaren, manager of the Union Bank of Australia, and by a number of the most influential gentlemen of the mercantile community; but perhaps the most valuable evidence was that of the Hon. Campbell Drummond Riddell, Esq., the Colonial Treasurer, who fully explained to the Committee, the whole history of the transactions of government with the Colonial Banks. His evidence on the subject is too important to admit of curtailment.

Question 2.—" Have you formed any opinion as to the causes of the present embarrassments ?"—"I am of opinion, with a great many who have been

examined here, that they arise from the speculation which took place, between the years 1836 and 1840, more especially the speculations in the purchase of land.

3. "Will you be kind enough to state to the Committee, to what extent that cause operated; do you know what sums of money were received for the purchase of land at those intervals?"—"The total amount for the five years was £809,457. 1*s*. 9*d*.

4. "In what way do you think the purchase of land, to that amount operated to produce our present distress?"—"If the purchase of land had taken place from capital, actually imported into the colony, I should say it would not have produced the evil that has resulted, but I conceive that the means with which the land was purchased, arose from the facility which the banks afforded by their discounts, from 1836 to 1840. The banks were forced to discount liberally, from the large amount of government deposits that accumulated upon them during those years, on which they, latterly, paid interest; this liberality of discount, was suddenly put a stop to, when the government withdrew its deposits, to pay the ship-owners for the immigrants brought out; in confirmation of this opinion, I have here a book which was kept, and which shows the amount of deposits in the banks, during that period, beginning on the

1st January, 1836; originally, we kept only about £5,000 in each of the banks, and all over and above that sum was retained in the shape of coin in the vault. In the beginning of 1836, we had £146,500 in the chest, and only about £16,000 or £18,000 in the banks; there were then four banks. Our revenue increased during that year, till in the month of May, we had £181,000 in the chest, and about £18,000 in the banks. In the month of September, we had increased our deposits to upwards of £30,000 in each of the banks, and the amount I have before mentioned in the coffers. This state of things continued with not much interruption, only that we occasionally increased or diminished our coin in the coffers till the beginning of 1837, when I find that we had £218,000 in the Treasury Chest, and at the same time, upwards of £30,000 in each of the banks. We continued increasing gradually our money in the chest, and also increasing our deposits in the three banks, (for, at this time we had withdrawn our deposits from the Bank of Australasia, in consequence of a dispute, relative to the furnishing of quarterly returns, which they objected to as being contrary to their charter) until they arrived at £123,000. The greatest amount we had up to September, 1837, was £124,000, and £245,250 in the coffers; the average for the year 1837 was £237,000 in the coffers, and in the banks

£127,000; the average for 1838 was about £180,000 in the coffers, and £90,000 in the banks, being a considerable diminution.

5. "What was the cause of that diminution?"—"We had large sums to pay to the commissariat, and also paid a great deal for immigration in that year. We commenced in 1839 with £163,000 in the vault, and about £90,000 in the banks; sometimes increasing, and sometimes diminishing, but rather diminishing than increasing; (for at one time I find we had not more than £70,000 in the banks, but still the same quantity in the Treasury Chest) till, at the close of the year, I find that we had about £75,000 in the banks, and £124,000 in the chest. In 1840, which I perceive to be the year in which there was the greatest speculation in the purchase of land at Port Phillip, the purchases there amounting to £219,127, we very soon lowered our money in the vault, I presume by paying to ship-owners and their agents here, till February, when we had £38,900; we then had five banks to deal with, and the aggregate of the deposits in the banks at that time, was about £66,000 or £67,000; from £109,000 which was the general total, we very soon rose to £165,000, in the month of May, still retaining only £39,000 in the Treasury chest, all the rest being in the banks, of which the Branch Bank, of the Bank of Australasia, at Melbourne, had at one time £32,500. This state of things continued till the

month of July, when, I find, we had a balance of £227,000, the whole of which was in the banks, with the exception of £39,000 in the coffers.

6. "Had the government begun at this time to charge interest on deposits?"—"Yes, at the rate of $2\frac{1}{2}$ per cent, first, and afterwards at 4 per cent. In the month of July, 1840, we had within a trifle of £200,000 and the sum continued to increase till August, when we had £248,000 in the banks; in October we had no less than £270,000 in the banks, paying interest, the average being about £50,000 in each bank, and £10,000 in each of the branches of the Union and Australasian Banks, at Port Phillip, there being still £38,900 in the coffers; during this month, the sum continued to increase, until it arrived at £281,000, which was the largest sum we ever had in the banks. Now, my theory is, that when we kept this large amount of capital in the banks, the banks were obliged to look out for discounts, and the facility which was thus afforded for obtaining means to purchase land produced that wild spirit of speculation, which prevailed in that year; moreover, I find in that year, when we kept most money in the banks, the return of land sales was largest; at Port Phillip alone, amounting to £219,000. In the commencement of 1841, the government withdrew their large deposits, and made special deposits of £15,000 at 7 per cent; that did not diminish our general average, but it

diminished the common deposits by that amount, the general sum gradually decreased, during 1841, till, in the beginning of August, we were obliged to take a portion of the special deposits, and place them to the common deposits, in order to meet our current expenses, and then the special deposits were reduced to £8,000 in each bank. Before the end of the year, all was at common deposit, and the sum was reduced to £70,000 in all, of which £38,000 was deposited in the vault. The last remainder of £245,250 and £30,000, was divided among the eight banks: so that we drew out of the banks between November 1840, and November 1841, about £260,000.

7. "At present, I presume, your deposits are still less?"—"I think about £12,000, they have been as low as £6,000; that does not, however, include Port Phillip; we have there about £16,000, deposits besides."

* * * * *

14. "Have you considered of any means by which the present difficulties of the colony may be relieved, and a recurrence of them prevented?"—"With regard to the present distress, I do not see that any action of the government could be of much benefit to the persons who are suffering most, who, I believe, are the settlers."

15. "Do you not think that if such operations as you have described were prevented in future, that it would prevent the recurrence of so much of

the evil as is connected with those operations ?"—"Decidedly; but the government had a difficult task to perform in those days. If they had gone on accumulating money in the Treasury, they would have drawn all the gold and silver out of the Banks."

16. "Supposing the government had not lent its receipts from land, which it afterwards paid to the ship-owners, to the Banks for the purposes of discount, would not a stop have been put to the speculation which existed ?"—"Yes; but then you would have had no land fund. You would not have had the means of bringing out the large number of immigrants you did in 1841; but the colony would have been in a much healthier state."

The foregoing extracts from the evidence of the Colonial Treasurer, though long, are extremely valuable, on account of the (almost) official acknowledgment which it contains of the injudicious manner in which the government interfered with the circulation. The sequences which the honourable gentleman attempts to draw in the two last answers, are not remarkable for logical accuracy, nor is it very clear from what premises they are supposed to follow. It appears to be assumed, that government had no alternative but to lodge the land fund in the Banks, or suffer it to accumulate in the Treasury vault; but surely it requires no official illumination to show that, if the money had been regularly expended in its legitimate channel, instead of the weight of the expenditure being left till the

year 1841, in which year upwards of £300,000 was paid for immigration, the "difficult task" which the government had to perform, would have been vastly simplified. The amount of the expenditure was as nothing; but the *suddenness of the draft*,* which had to be collected from the members of a community immersed in speculations, might have tried the stability of an old country; and that New South Wales staggered severely, is so far from being a matter of surprise, that the circumstance of her recovery proves more forcibly than ever, the strength and sufficiency of her resources.

As a remedy for the disordered state of the mercantile community, the select Committee recommended the intervention of the credit of the colony, in favour of all those who might be in a position to give adequate security: — "To illustrate," says the Report, "the mode in which your Committee con-

* The Baron Rothschild having, on some occasion, a grudge against a well-known banking firm in London, is said to have tried a most ingenious expedient for ruining them. He deposited a million of sovereigns in the Bank, expecting, that, as a matter of course, the money would be circulated. In a few days he drew a cheque for the whole amount, which, to his great surprise and chagrin, was honoured, and in the identical coin which he had deposited; the head of the firm having suspected a trick, had ordered the box of gold to be locked up till wanted. There is a moral to be deduced from this anecdote, which may be left to the sagacity of the government and of the Banks to discover.

sider that the credit of the colony may be advantageously brought into action, it will only be necessary here to mention the leading features of the *Prussian system.* A landed proprietor wishing to raise money upon his property, applies to a Land Board, which values it, and agrees to lend him the credit of the State for one half of the valuation. The land owner mortgages his property to the Board, which then gives him a paper called a Pfandbriefe, or pledge certificate, which contains the name of the mortgager of his estate, the letter and number of the transaction in the books of the Board, and two official signatures. The interest to be received by the holder of the Pfandbriefe is made payable in half-yearly dividends, on fly-leaves called *coupons,* calculated for two years in advance, which are guranteed by the Board. These *coupons* are cut off and presented at the Treasury, where they are paid as they become due, or they may be cut off before hand, and circulated till they become due."

In order to establish the credit of the new circulation which it was thus proposed to introduce, it was further suggested that the government should issue orders for small amounts, and that any mortgager should be authorized to claim from the Land Board a certain portion of these notes :—"in lieu of pledge certificates, which notes should be a legal tender all over the colony, and should of necessity, form half of every sum paid to the government,

except for the purchase of land, and be convertible into coin at the Treasury on demand. Half of the Revenue being paid in coin, and half in colonial land-board notes, it is clear," pursues the Report, "that the government would always be prepared to meet its engagements, provided a proper limit were placed on the amount to be allowed to the Land Pledgers."

The Bill brought in by Mr. Windeyer to give effect to the recommendation of the Select Committee, passed the Council, though not without considerable débate, many of the members being of opinio that the Colonial Executive had no power to pledge the public faith of the colony in the mode suggested. This view of the case was also taken by his Excellency the Governor; who withheld his assent from the Bill. Perhaps, however, the conviction expressed in his opening speech, that commercial difficulties were not remediable by legislative enactments may also have influenced his decision.

5.—SAVINGS' BANK AMENDMENT COMMITTEE.

In the month of May, 1843, the depositors in the Sydney Savings' Bank took alarm, under the notion that government had withdrawn its security, and a run on the Bank took place. At that time the Bank had only £4,000 in hand, and was, consequently, ill provided for such an event, but they managed to obtain assistance from the other Banks,

to the extent of £23,000, which large sum was actually drawn out in three days. To prevent a similar occurrence, and at the same time to create a feeling of perfect confidence in the minds of the depositors, were the objects contemplated by the Savings' Bank Amendment Bill, which was referred to the consideration of a Select Committee. A clause had been inserted in the Bill at the suggestion of the Governor, authorizing him to guarantee any loan which the Bank might find it necessary to make; and the Committee also recommended that the Council, by a distinct resolution, should assure his Excellency of their determination to make good the engagements into which he might enter for the purpose of preventing any loss to the depositors. It was also found necessary, in order to prevent the inconvenience of a run, to provide that any notice of withdrawal from depositors of £50 and upwards should be at three months date; and similar notices from depositors under £50 at one month's date. By these judicious regulations, the confidence of the public in this valuable institution has been fully restored.

6.—WATER POLICE COMMITTEE.

An Act had been passed by the late Council, the object of which was, the better regulation of seamen in the colony, and the establishment of a Water Police. The principal employment of this

police was to row about the harbour, as the ordinary police perambulated the streets, in search of offenders. The establishment was considered as unnecessarily expensive, and the Select Committee, accordingly, recommended the abolition of the Superintendentship, both in Sydney and Port Phillip, and the transfer of the executive duties of the office to the Principal Superintendent of Police, and the judicial duties to the Police office. Other reductions in the Department were recommended, whereby a saving has been effected of about £1,700, without at all impairing its efficiency.

7.—DISTRESSED MECHANICS' PETITION COMMITTEE.

The resolutions adopted by the Council, in consequence of the Report of the Committee, have already been laid before the reader; and it is, therefore, unnecessary to enter again on the subject in this place.

8.—CROWN LANDS SALES' COMMITTEE.

Of this Committee, the Report recommended a reduction in the minimum upset piece of land; condemned the abstraction of capital for immigration purposes; proposed, that, instead of sending the proceeds of Land Sales out of the colony, a remission should be allowed in the purchase-money to

immigrants, in proportion to the cost of their passages to the colony; and strongly condemned the Act of Parliament (5 and 6 Vict.) for regulating the price of land in the Aûstralasian colonies. The resolutions adopted by the Council, in consequence of this Report have been already quoted.

9.—IMMIGRATION COMMITTEE.

The important subject of immigration, to which so large a space has already been devoted, has not been neglected by the New Council. On Friday, August 18, on the motion of Dr. Nicholson, a Select Committee was appointed, "to take into consideration the necessity, and the means for reviving immigration, and for ensuring the continuous introduction of a due supply of shepherds and agricultural labourers; an adequate supply of labour, and an increase of population, being essential to the present interests and future advancement of the colony." It will be unnecessary again to enter into the general question of immigration, the importance of which to the colony can hardly be over-estimated. The late troubles, however, have taught us the evil of sending the whole of our Land Fund out of the country; and the Immigration Committee of 1843, accordingly suggested other plans for securing a continual supply of labour. The subject is handled in a very masterly style in the Report, and it may be proper, therefore, to quote a few sentences:—

"The absence of any land fund, at the present moment, and the unlikelihood of any being created during the existence of the present land regulations, render any reference to it as a present means of carrying on Immigration, nugatory. Were, however, the upset prices of waste lands again reduced to 5*s*. an acre, and a land fund once more created, the proposal of expending the money thus realized, in the bringing out of Immigrants, appears to your Committee one of doubtful expediency. Such a measure must necessarily be attended with an exhaustion of the circulating medium of the colony, and would be calculated to bring on a renewal of the evils with which it is now contending. Capital appears to be an element as essential to the prosperity of the colony, as labour itself; your Committee, therefore, feel that, however indispensable labour may be for developing the resources of the country, capital is not less so for its successful application. Circumstanced, as the colony thus is, suffering from a universal prostration of its energies, consequent upon the export of its capital for the introduction of labour from Britain, and still subject to a want of labour and population, scarcely less urgent than what had previously existed, without a land fund, or any means by which one may be created—the present resources of the colony cannot but be regarded as utterly inadequate to any effort for the renewal, or support of Immigration. When, however, the fact is brought more fully under the

notice of her Majesty's Ministers, of the enormous expenditure incurred by the colony in relieving Britain of her starving and redundant population, your Committee trust, that the British Government may be induced to recommend to Parliament the repayment of a portion of the sum, either by a grant to the Colonial Exchequer of one half the amount thus expended by the colony, or by sanctioning the appropriation of a like amount in aid of Immigration hereafter. . . . . . No stronger incentive to such an act of justice could be urged, than the direct interest the mother country has in the support of her Colonial dependencies, as an outlet for her population—a market for her manufactures—and the general extension of her commercial influence."

To such a claim as this, it is to be feared that the Home Government will not be very ready to accede, nor did the Committee appear to entertain very sanguine expectations on the subject. They made, therefore, another suggestion, viz: that a remission should be allowed in the purchase of land, of the money paid by the settler for his passage. The language of the Report may now be resumed:

"Your Committee are aware that such a regulation is already in force to a considerable extent, and that persons willing to emigrate to the colony, can, by placing a given sum in the hands of the Land and Emigration Commissioners, become entitled to the selection of a proportionate number

of acres of land on their arrival here. The regulation herein referred to is, however, too limited in its character to be made practically beneficial. The previous deposit of money in the hands of the Commissioners in England, is a step to which individuals disposed to emigrate may naturally feel some repugnance; for it is only reasonable to suppose that almost every person will be desirous to retain the disposal of his capital in his own hands, until he can become personally conversant with the character of the country to which he is about to emigrate. If, however, it were previously understood that all persons should receive an equivalent in land for their passage money, or for that of their families and dependents, on their arrival, a strong incentive would be afforded for the introduction of a numerous class of immigrant families, and small communities combining the social grades of landlord and master, who might be thus induced to emigrate in bodies, and in their new locations preserve those respective relations amongst themselves, which they had previously maintained at home."

Towards the close of the year 1843, intimation was received in the colony, that the Home Government intended to revive immigration to Australia, to the extent of about five thousand souls. The greater part of these have arrived, and notwithstanding the great depression of the colony, have, with very few exceptions, met with

employment in the interior. A very great amount of the distress which has been felt by the immigrants who had previously arrived, arose from the circumstance that they were of a class of persons who should never have been sent here at all. On this point the Report observes:—

"The evil thus created to the colony is great; its resources have, to a large extent, been expended in the introduction of a class of persons unsuited to its wants; unproductive, so far as regards its great staple commodity; and, who, from want of work, and the consequent cry of distress amongst them, discredit the statement, that the species of labour really applicable to, and indispensable for, the country is needed."

It might have been added, that hundreds of these individuals, who now complain so loudly for want of employment, came out here under a gross fraud on the colony, professing themselves to be of trades which were within the bounty regulations, while in reality they were of other trades, which were not required. For much of this fraud, the agents of the ship-owners were to blame. They imposed on the ignorance, or credulity, of the simple, in order to fill their ships, and crammed their dupes with lies, to secure the payment of the bounties. But when a man either eagerly joins, or suffers himself to be tempted to join, in a fraud, he cannot be entitled to much compassion, if he pay the penalty of his guilt, by poverty and

suffering. The facts, which it is of importance to circulate through the length and breadth of the United Kingdom, are, that of skilful tradesmen in every trade, whether of use or luxury, there is an abundant supply already in the colony; but that of shepherds and good agricultural labourers, and more than all, of good domestic servants, there is still a great want. The assertion of the Committee is entirely justified by circumstances, "that four thousand shepherds and farm labourers, introduced annually into the colony, would readily find employment, at rates of wages of from £10 to £12 per annum, with lodging and fuel, accompanied with a ration, which, from a general average, consists of not less than the following proportions, viz: 10 lbs. of meat, 10 lbs. of flour, 1½ lbs. of sugar, 3 ozs. of tea, or as a substitute for the two latter, an adequate supply of milk. The most desirable class of immigrants are young married couples, not over thirty years of age, and with not more than one or two children. When both man and wife are capable of taking employment on a farm or sheep station, the proprietor would in very few cases object to give rations for the children, even when the number increased; but cases have been known of men seeking employment in the interior, who had a useless wife and five or six young children, for all of whom the applicant expected to get lodging and rations, in addition to money-wages, which the settler could hardly give

to a single man. Men of this class have no business in Australia. It is a country of hard labour, and cannot feed idle mouths. If then men with large families will force themselves into a community where they are not wanted, and where they are plainly told they have no prospect of employment, they must not be surprised if they feel the effects of their imprudence.

10. CAMPBELL TOWN DISTRICT COUNCIL BOUNDARIES' COMMITTEE.

To this Committee was referred a dispute which had arisen, respecting the boundaries to be assigned to the Campbell Town District Council, founded on the conflicting interests of individuals residing in two divisions of that part of the country, one part of whom used one road, and another another. The dispute was purely of local interest, and could scarcely be made intelligible to the general reader.

11. INSOLVENT ACT AMENDMENT COMMITTEE.

It has been mentioned in another place, that an Insolvent Law had been passed by the late Council, for giving relief to insolvents, and providing for the due administration, collection and distribution of insolvent estates. A Bill for amending that Act was introduced to the new Council by Message from his Excellency, the Governor, which was

referred, on the motion of Dr. Nicholson, to a Select Committee. Several important modifications were proposed, the discussion of which, however, would not be likely to interest the reader; and a sincere wish is added, that he may never be compelled to become practically acquainted with them.

12. DEFICIENCIES IN ESTIMATES' COMMITTEE.

A statement had been laid before the Council by the Colonial Secretary, of sums appropriated for the service of the year 1842, but not expended, and of sums required to supply deficiencies in the amounts appropriated for certain departments and services for that year. It appeared that from unforeseen contingencies, his Excellency, the Governor, had either been compelled, or fancied himself compelled, to appropriate certain sums to the public service without the authority of the old council, during the year 1842. In order to cover these irregularities, a retrospective Act of Appropriation was solicited at the hands of the Council; and on the motion of Mr. Windeyer, the statement of the Colonial Secretary was referred to a Select Committee. The Committee, in their Report, comment pretty freely on the want of circumspection with which the public accounts had in some cases been framed, and appear to have thought, that the "contingencies"

might have been in a great measure avoided. They condemned entirely any appropriation of the public revenue, without the authority of the Legislative Council; but considering that the practice had been suffered to pass by the old Council, they did not feel justified in recommending an opposition to the retrospective Act of Appropriation which was desired.

13. COUNCIL LIBRARY COMMITTEE.

This Committee was appointed merely to consider the arrangements for fitting up and opening the Library of the Council. Their Report is confined entirely to matters connected with the Library, and is only interesting to the Honourable Members themselves.

SESSION 1843. ACTS.

SUMMARY OF PROCEEDINGS ON BILLS INTRODUCED DURING THE SESSION 1843.

Short titles of Bills.	How initiated.	Date of First Reading.	Passed or otherwise.	Assent or otherwise.	Remarks.
1. Solvent Debtors	Mr. Wentworth.	Aug. 8.	P. Sept. 22.	A. Nov. 3.	
2. Lien on Wool and Live Stock	ditto.	.. 10.	P. .. 15.	A. Oct. 9.	
3. Postage Act Amendment	Message from Governor.	.. 16.	Lost.	....	Thrown out in Committee.
4. Water Police Act Amendment	ditto.	.. 17.	P. Dec. 22.	A. Dec. 27.	Referred to a Select Committee.
5. Maintenance of Lighthouses	ditto.	.. 17.	P. Nov. 24.	A. .. 6.	
6. Slaughtering Act Amendment	ditto.	.. 17.	P. Sept. 8.	A. Sept. 26.	
7. Australian Auction Committee	Mr. Therry.	.. 22.	P. Aug. 31.	A.	
8. Office of Sheriff	Message.	.. 30.	P. Dec. 8.	A. Dec. 22.	
9. Interest of Money	Mr. Wentworth.	.. 25.	Lost.	....	Thrown out on second reading.
10. General Registry	Message.	Sept. 8.	P. Dec. 20.	A. .. 28.	Referred to a Select Committee.
11. Saving Bank Law Amendment	ditto.	.. ..	P. Nov. 10.	A. Nov. 22.	Ditto.
12. Governors' Salary	Mr. Windeyer.	Oct. 2.	Withdrawn.		
13. Friendly Societies	Mr. Wentworth.	.. 13.	P. Nov. 24.	A. Dec. 21.	
14. Committed Felons' Discharged	Attorney-General.	.. 18.	P. Oct. 27.	A. Oct. 31.	
15. Campbell Town District Council	Mr. Bowman.	.. 20.	P. Dec. 15.	A. Dec. 22.	
16. Sydney Dispensary	Dr. Nicholson.	.. 24.	P. Nov. 15.	Reserved.	Reserved for her Majesty's pleasure.
17. Licensing Act Amendment	Colonial Secretary.	.. 27.	P.		
18. Refined Sugar	Dr. Nicholson.	Nov. 7.	Withdrawn.		
19. Monetary Confidence	Mr. Windeyer.	.. ..	P. Dec. 6.	Lost.	Assent withheld.
20. Distillation Laws	Message.	.. ..	P. Nov. 22.	A. Dec. 6.	
21. Corporations' Educational Powers	Dr. Laug.	.. 9.	Lost.	....	Thrown out on second reading.
22. City Rates	Mr. Wentworth.	.. ..	P. Dec. 8.	A. Dec. 12.	
23. Insolvent Act Amendment	Message.	.. 16.	P. .. 21.	A. .. 28.	Referred to a Select Committee.
24. Ports and Harbours' Act Amendment	ditto.	.. ..	P. .. 8.	A. .. 12.	
25. District Councillors' Qualification	ditto.	Dec. 1.	Lost.	....	Previous question carried.
26 Lunatics	ditto.	Nov. 30.	P. Dec. 12.	A. .. 22.	
27. Hawkers and Pedlars	Mr. Wentworth.	.. 29.	Withdrawn.	....	To stand over till next session.
28. Doubly Convicted Offenders	Message.	Dec. 12.	P. Dec. 22.	A. .. 27.	
29. Ad Valorem Duties	ditto.	.. ..	P. .. 21.	A.	
30. Customs' Regulation	ditto.	....	....	....	Printed, to stand over.
31. Tariff	ditto.	.. ..	P. .. 22.	Reserved.	Reserved for her Majesty's pleasure.
32. Magistrates, Sydney and Melbourne	Attorney General.	.. 13.	P. .. 20.	A. Dec. 22.	
33. Appropriation Bill	Colonial Secretary.	.. 15.	P. .. 21.	A. .. 28.	

From the foregoing Table it will appear, that during the Session of 1843, (Anno Septimo Victoriæ), thirty-three Bills were brought into the Council; eight of which were either withdrawn, or thrown out by the Council, from one the royal assent was withheld by his Excellency; and of the remaining twenty-four, two were reserved for her Majesty's pleasure, and twenty-two received the royal assent.

The subjects of many of the measures have been noticed under the heads of "Resolutions," and "Select Committees." But little, therefore, requires to be added to the remarks which have already been made on the more important of them. A brief explanation, however, may be necessary to such readers as are only slightly acquainted with the peculiar circumstances which called for some of the enactments.

LIEN ON WOOL AND LIVE STOCK ACT.

(7 *Victoria. No.* 3.)

The effect of this Act is to enable sheep and cattle owners to give valid liens, on their wool from season to season, without parting the possession or management of the sheep, and to give valid mortgages on stock in the same manner. In order to render such liens and mortgages valid, it is necessary that the agreement should be made after forms given in schedules appended to the

Act, and that copies should be left duly verified on oath before an authorized officer of the Supreme Court.

These liens and mortgages entitle the mortgagee to the wool, or stock specified in the agreements, though the property remain in the possession of the mortgager, and though the mortgager should afterwards take the benefit of the Insolvent Laws. In this latter case, however, it is necessary, that the mortgage shall have been effected at least, sixty days before the date of the order for Sequestration.

SOLVENT DEBTORS' ACT.

(7 *Victoria. No.* 4.)

This Act, as well as the Lien on Wool Act, was intended to afford aid to parties really solvent, but who, from the great depreciation in property which has taken place, are not able to realize money to meet their engagements at the due time. Any person, who is desirous of obtaining time for the payment of his debts, may draw up, and verify on oath before the proper officer, a statement of his assets and liabilities; and if, on inspection of this verified statement, three fourths of the creditors, both in number and value, shall be of opinion that the party is solvent, and shall execute to him a letter of license,

declaring that they will allow him a specified time for the payment of his debts, this license shall also bind the other creditors, and the debtor shall be free from suit until the expiration of the time specified in the letter of license. The Act, being merely experimental, is limited for the present to two years. Several provisions were inserted against fraud on the part of the debtor, and enabling the creditors to keep a vigilant eye upon his movements, and the manner in which he employ his assets.

COMMITTED FELONS' DISCHARGE ACT.

(7 *Victoria.* *No.* 5.)

The effect of this Act is to enable Judges of the Supreme Court, or the Resident-Judge at Port Phillip, to discharge summarily, by warrant, persons who have been committed to gaol on charges of Felony or Misdemeanour, and against whom the Attorney-General, or Crown Prosecutor may decline to file any information. On receipt of a certificate to this effect from the Attorney-General, or Crown Prosecutor for the district of Port Phillip, any Judge may address a warrant to the Sheriff or Gaoler, who is bound immediately, and without reward, to release the prisoner.

LICENSING ACT AMENDMENT ACT.

(7 *Victoria. No.* 7.)

By the Act (2 Vict. No. 18) commonly called the Licensed Publicans' Act, it was provided that, growers and makers of wine from grapes, the produce of this colony, should not dispose of the same in quantities less than ten gallons. The object of the present Act was, to enable parties to sell their own manufactured wine in quantities not less than two gallons, and to provide against the disqualification of such parties as Justice of the Peace. The ultimate result contemplated was the promotion of temperance among the lower orders, by discouraging the use of ardent spirits.

FRIENDLY SOCIETIES' ACT.

(7 *Victoria. No.* 10.)

This is a truly excellent Act, and in its operations likely to produce the best effects among the labouring classes. The Societies entitled to the benefit of, or deemed to be within, the provisions of this Act, are those which are generally called Benefit Societies, the laudable object of which is to provide a fund for the assistance of their members in the event of sickness, old age, widowhood, or other natural

contingencies. All secret societies, having signs, countersigns, passwords, or numbers, and trade societies, are excluded from the operation of the Act.

By this Act, which is drawn up with great skill, Benefit Societies are placed on a secure footing, and within proper regulations, thereby affording security to the members, and giving the stamp of legal sanction to the *particular* laws by which they, as members, are governed.

CITY RATES' ACT.

(7 *Victoria. No.* 11.)

By this Act provision was made for the more easy and effectual collection of Rates, authorized to be assessed and levied on the property of the inhabitants of the City of Sydney. Such provision had been found necessary in consequence of the ill-grace with which the citizens generally submitted to the payment of the Rates. The first Assessment had been made at a time when house-rent was extravagantly high, and the Rates, though only four-pence in the pound, amounted to a heavy sum, which was by many persons felt to be oppressive. In many cases, payment was absolutely refused, and the Collectors had the greatest difficulty in executing their office.* By this Act,

* By the new assessment, the grievance has been very

they were authorized to levy, in seven days after the proper notice had been served on the occupier of any premises liable to pay Rates, upon any property found on the premises. The occupier of the premises was declared to be primarily liable, but if he should pay any amount of assessment extending over a period of time during which he had not been in possession as tenant, he was to be entitled to deduct the amount so paid from any rent then due, or which might accrue in future, or to recover the same in any court of competent jurisdiction.

SHERIFF ACT.

(7 *Victoria*. *No*. 13.)

Several important regulations respecting the Appointment and Duties of Sheriff in New South Wales were introduced by this Act. The Charter of Justice for the Colony had appointed, that the Sheriff, after being nominated by the Governor, should hold office for one year. It was now enacted, that the person appointed to this office, by the Governor, should hold office during pleasure. A provision was also inserted requiring the Sheriff to find due security by his own recognizances and those of others for the execution of his office, and for the payment over by him to the Colonial

much lessened, house property having fallen in value more than one half.

Treasurer of such sums as may come into his hands as Sheriff. The immediate occasion of this Act being introduced, was the melancholy suicide of Mr. Sheriff Macquoid, who, besides being in very embarrassed circumstances, had in his hands the sum of £2,792. 9*s.* 3*d.*, the property of suitors in the Court, being moneys levied in pursuance of Writs directed to him by the Judges, in addition to a sum of £951. 7*s.* 4*d.* due to the government. The government, of course, had a preferable claim; but the unfortunate suitors in the Court were not considered to be entitled to any redress. The provisions of the Act now under consideration were intended to prevent the recurrence of similar inconvenience in future, and otherwise to lessen the risks and responsibilities to which the person holding the office of Sheriff was then exposed.

LUNATICS' ACT.

(7 *Victoria. No.* 14.)

This was an Act to make provision for the safe custody of, and prevention of offences by, persons dangerously insane, and for the care and maintenance of persons of unsound mind. By the Act, any Justice of the Peace is authorized, on the evidence of any two legally qualified medical practitioners, and any other proof which may be satisfactory to the said Justice, to commit to

safe custody, any dangerous idiots or lunatics, until discharged by warrant of two Justices, or of one of the Judges of the Supreme Court, or by order of the Governor for his or her removal to some Colonial Lunatic Asylum. In case of crime committed by any person, on whose behalf a plea of insanity is set up, the jury are specially required to find, whether the prisoner was actually under the influence of insanity at the time of his commission of the crime, and if they find in the affirmative, the prisoner is to be kept in strict custody till the Governor's pleasure shall be known; and the Governor is empowered to provide for the future safe custody of the prisoner at his discretion.

RESERVED ACTS.

Two Acts, which passed the Legislative Council during the Session of 1843, were reserved by the Governor for the signification thereon of her Majesty's pleasure. The first of these was an Act to enable the members of "The Sydney Dispensary" to sue and be sued in the name of the Treasurer for the time being. The Sydney Dispensary is one of the most valuable institutions in the colony, and though supported by private subscription, may be justly considered as a public good. With this view, a clause was inserted, declaring that the Act should be a Public Act.

Whether his Excellency thought the principle of incorporating societies supported by private subscriptions objectionable, or whether he objected to the clause which declares the Act to be a public one, does not appear.

Another Act reserved by his Excellency was the Tariff Act, which, as it altered and affected the duties of Customs, &c., fell under the provision of the 31st Clause of the Act of Parliament, (5 & 6 Vict. c. 76), which expressly enacts, that all such Bills must be reserved for her Majesty's pleasure. The object of the Bill was to substitute for the *ad valorem* duty at present chargeable on certain goods imported into this colony, a fixed duty according to the following scale, without distinction as to the place from which the article is imported:—

	s	*d*
Flour or meal, per cwt.	2	6
Wheat, per bushel	1	0
Other grain, ditto	0	4
Sugar, raw, or molasses, per lb.	0	0¼
Sugar, refined ditto	0	0¾
Wine, per gal.	1	0
Coffee, per lb.	0	0½
Tea, ditto	0	1

It was also proposed that the duties on spirits distilled within the colony should be reduced one half. His Excellency, however, not only objected to fixing an import duty on flour and grain, but to the system of fixed duties on corn alto-

gether, and consequently appended to the Act the following minute :—

"In conformity with the express provisions of the 31st Clause of the Act for the Government of New South Wales (5 & 6 Vict., c. 76), I reserve this Bill for the signification thereon of her Majesty's pleasure, and I shall submit to her Majesty's principal Secretary of State for the Colonies, the reasons why I humbly recommend that it should not pass into a law.

"GEORGE GIPPS,
"Governor."

On the 28th of December, his Excellency prorogued the Council, after a brief but laborious Session of five months. In his speech, his Excellency again referred to the state of the colony, and repeated his conviction, "that the colony cannot, by any legislative enactment, be relieved from the depression under which it labours, and that it is only by the general tendency of their measures, that the legislative and executive authorities can aid individuals in the efforts which are necessary for the recovery of their affairs."

"And however great," continued his Excellency, "may be the difficulties of individuals, it is consolatory to reflect that the real sources of wealth and prosperity remain unimpaired in the colony: our great staple commodity still commands

a renumerating price, and so long as it continues to do so, industry and frugality will not, under the protection of wise laws, and the blessing of Providence, fail of their reward."

His Excellency, having thanked the Council for the supplies which they had granted to her Majesty, declared the Council prorogued till the 6th of February next.

EXTRAORDINARY SESSION 1844.

An extraordinary Session of Council was held in the month of March, 1844, in pursuance of proclamation by the Governor. The object for which the Council was summoned at this time, will be best seen from the message sent by his Excellency, which is extracted from the Minutes of the Council.

"*Message from his Excellency, the Governor, to the Members of the Legislative Council, stating to them the reason why he has called an extraordinary Meeting of the Council.*

"Gentlemen,

"I have called you together at this unusual season of the year solely for the purpose of laying before you a project of a law, to protect certain magistrates of the territory from the prosecutions to which they have become liable by a recent

judgment of the Supreme Court, wherein it was declared, that their jurisdiction within the county of Cumberland was terminated on the 2nd of January, 1843, by a commission which issued for the purpose of carrying out the provisions of the 63 and 64 sections of the Sydney Corporation Act, (6 Vict. No. 3).

"As it is not imputed to the magistrates, either that they acted intentionally wrong, or that they have done injustice to any one, I trust you will consider them entitled to the indemnity which it is proposed to afford them.

"The project of the Law is herewith transmitted to you, and it extends to magistrates who have acted under similar circumstances in the County of Bourke, and who are exposed to the like consequences.

"GEORGE GIPPS."

Government House,
5th of March, 1844.

The Bill which accompanied the message was entitled, "A Bill to indemnify certain Justices of the Peace for the territory of New South Wales, and to enable territorial Justices of the Peace to act as such under certain limitations, within the boundaries of the City of Sydney, and town of Melbourne, respectively."

The City of Sydney and Town of Melbourne having been incorporated by an Act of the late

Council, and possessing magistrates of their own, it became necessary to empower Justices of Peace for the territory to act as such with respect to offences or matters arising without the boundaries of the said city or town, though they might be resident within those boundaries; but they were not to interfere in cases arising within the said city or town respectively.

This Bill of Indemnity, of course, met with no opposition, and passed into a law.

During this extraordinary Session, the Attorney-General also obtained leave to bring in two short Bills; one to limit the right of suing for fines, forfeitures, and penalties, incurred under the Licensed Publicans' Act, to the chief or any other constable; the other, to provide for the summary disposal of suits for fines, &c., under the Distillation Act, and to indemnify Justices who might have acted in a summary way, under misapprehension of the existing law.

Both these Bills were passed, and after a Session of four days, the Council was again prorogued by a Message from his Excellency.

1844.—The Council re-assembled on Tuesday, 28th of May, 1844, pursuant to proclamation of his Excellency, the Governor. During the recess, no less than three of the members of the Port Phillip District had resigned their seats, and in

their room had been elected Sir Thomas Livingstone Mitchell, Surveyor-General of the colony; Adolphus William Young, Esq. Sheriff of New South Wales; and Joseph Phelps Robinson, Esq., which latter gentleman represented the Town of Melbourne.

His Excellency opened the Council in person, and in his speech congratulated the Council on the commencement of their second ordinary Session. He alluded to the considerable addition which had been made to the population, by the arrival of several emigrant ships, and to the gratifying fact, that the immigrants had almost all met with ready engagements. This circumstance had, of course, increased the debt with which the Territorial Revenue was encumbered, but his Excellency was happy to say that the ordinary revenue, though much reduced, had been fully sufficient for the ordinary expenditure of the past year.

SESSION 1844.

RESOLUTIONS.

Prayer, May 29.—Mr. Cowper moved, "That public prayers to Almighty God be offered up daily at the opening of this Council, as soon as the Speaker shall have taken the chair; and that a chaplain, who shall be a clergyman of the Church

of England, be appointed by the Speaker to perform this duty."

It will be recollected, that a motion of similar tendency was made in the Sessions of 1843, by Dr. Lang, and was rejected. Though Mr. Cowper's motion was much simpler, it unhappily met with no better fate, Dr. Lang, Mr. Robinson, and others opposing it on the ground of the chaplaincy being restricted to clergymen of the Church of England, and many members fearing that the service would become a mere form, and thus be rather injurious than otherwise. Thus, from the sectarian spirit of some Honourable Members, and the indifference of others, the Council still remains under the stigma of being the only Legislative Assembly in the world, which, as such, makes no recognition of Divine Providence.

Vacant Seats.—Two rather curious questions arose in the early part of this Session. One of them arose from the resignation of his seat by his Excellency, the Commander of the Forces, Sir Maurice Charles O'Connell. His Excellency the Governor, however, not having replied to the letter of resignation forwarded by his Excellency the Commander of the Forces, the latter, a few days afterwards, again wrote to his Excellency the Governor, intimating his wish to recal his resignation. The question, whether it was competent for a Member of the Council so to do,

was submitted by his Excellency, the Governor, to the Council, agreeably to the provisions of the 18th clause of 5 & 6 Vict. c. 76. The question having been considered in a Committee of the whole House, the Chairman reported the following Resolution:—

"That having considered the circumstances stated in his Excellency's message, this Committee is of opinion, that the seat of his Excellency the Commander of the Forces, Sir Maurice Charles O'Connell, is *not* vacant."

Another question, of a more intricate nature, arose from an oversight of his Excellency, the Governor. At the period of the first return of Members of the Council, the Attorney-General was absent from the colony, and in order to make up the complement of official nominees, his Excellency nominated the Colonial Engineer (Colonel Barney). Immediately on the arrival of the Attorney-General, (Mr. Plunkett), Colonel Barney resigned, and the Attorney-General was thereupon appointed to the vacant seat, his Excellency, as well as his legal advisers, having forgotten that by the 19th clause of the Act of Parliament, no person could succeed the Colonial Engineer, but one holding the same office, he having been designated in his nomination as the holder of an office, and not by his proper name.

The mistake was not discovered until the occurrence of the circumstances above-mentioned rela-

tive to the seat of the Commander of the Forces, which rendered a reference to the Act of Parliament necessary. Of course the Attorney-General's appointment became void. On the 13th of June, however, an additional instruction was received from her Majesty, confirming the appointments of the nominees provisionally appointed by the Governor, and enumerating, among others, "the Attorney-General, or, in his absence, the Colonial Engineer." It appeared, therefore, to be her Majesty's pleasure that the Attorney-General should have a seat in the Council, and the Instrument under the Sign Manual seemed to disallow the appointment of the Colonial Engineer, at least during the presence in the colony of the Attorney-General, while at the same time, the Instrument was not valid itself to make a new appointment, which according to the Act, can only be done by Warrant, countersigned by one of his Majestys' principal Secretaries of State. His Excellency, therefore, submitted to the Council, whether, under these circumstances, there was not a vacancy, which might be filled up by an appointment of another officer than the Colonial Engineer.

The legal points involved in the question were argued with great subtility, and the most learned of the Members appeared puzzled; at length Dr. Lang humorously suggested, that as Honourable Members could not get *through* the hedge,

they should put spurs to their steeds, and *clear it at a bound.* The suggestion was adopted by the House, who were glad to be relieved of the knotty point proposed by his Excellency, and the seat was unanimously declared to be vacant. At the next meeting of Council, the Attorney General took the oath and his seat.

District Councils, July 25.—His Excellency, on the 19th June, had sent a message to the Council, accompanying a Bill to make further provision respecting the Constitution, and to define and extend the powers of District Councils in the Colony of New South Wales. This message was taken into consideration, and the Bill read a first time, on the 25th of July. The Colonial Secretary then moved, that the Bill be printed, and read a second time on Thursday, August 1st. The following amendment, was, however, moved by Mr. Cowper:

"That, in the opinion of this Council, the District Councils are totally unsuited to the circumstances of the colony, the country districts being unable to meet the additional taxation which would necessarily be required in carrying out the various objects contemplated by their institution; and the cost of the machinery requisite for bringing them into operation, being of itself an obstacle fatal to their success; and that, therefore, the second reading of this Bill be postponed to this day six months."

On the question being put, the amendment was carried by fourteen to seven. The operation of that part of the Act of 5 and 6 Vict. c. 76, which relates to District Councils, is, consequently, for the present suspended.

On Friday, August 9, Mr. Cowper moved the adoption of an address to his Excellency, communicating the above Resolution, and praying his Excellency to make such representations to her Majesty's government as might procure the repeal of the clauses in the Act relative to District Councils, and further requesting his Excellency to place on the Estimates for the year 1845, such sums as might be necessary to make provision, from the general revenue, for such objects as it was intended should have been provided for by the District Councils.

The address was carried by a majority of twenty to eight.

In his reply to the address, his Excellency disclaimed any responsibility, which the infraction of the Constitution might involve, reserving to himself the right of making such alterations in the Estimates, as the altered circumstances in which the government was placed might require.

Estimates for 1845, *August* 29.—In his Financial Scheme for 1845, his Excellency had inserted an item of £8,635. 5*s*. 10*d*. as a supplement to the sum provided, by the schedule marked A, appended to the Imperial Act, for the expenses

of the Administration of Justice.* This day on the motion of the Colonial Treasurer, the Council resolved itself into a Committee of the whole House, for the further consideration of the Estimates, and in Committee adopted the following Resolution:

"This Council being empowered, under the thirty-fourth Section of the Imperial Act, Chap. 76, to fix the amount to be appropriated to every detail of the Public Service, and being now called upon by his Excellency, the Governor, to vote the sum of £8,635. 5*s.* 10*d.*, as a supplement to Schedule A, in the Estimates for 1845, is therefore bound, in the exercise of its duty, to fix every detail of such amount previously to its appropriation by the Local Legislature."

"But his Excellency, the Governor, having rendered the due performance of this duty impossible, by submitting such supplement in connexion with the said Schedule, the right to fix the details whereof (an indispensable preliminary to any inquiry into the details of the Schedule itself) is denied by the Right Honourable the Secretary of State for the Colonies, in accordance with his Excellency's message to the Council, of the 19th October,

* The sums on this schedule on account of the administration of justice, amount to £20,000, exclusive of the salaries of the Chief Justice, and the three Puisne Judges, amounting to £6,500.

1843. This Council, therefore, in assertion of this, its undoubted right and duty, declines to enter into any consideration of the required supplement."

The Resolution, on being reported to the Council, was adopted by a majority of fifteen to eleven, and the Resolution was ordered to be communicated to his Excellency, the Governor. His Excellency replied by message that as the Council had declined to grant any sums of money for the administration of justice, in addition to those which had been provided by Parliament, he would take measures for limiting the expenditure of that department of the public service, to the sums specified in the Schedule, and expressed his intention of conferring with the judges on the manner in which that could be done with the least inconvenience to the public. In consequence of this message, Mr. Wentworth, on the 12th of September, moved the adoption of Resolutions, explanatory of the former one, to this effect:

1. "That the aforesaid resolution does not involve, as the said message implies, an absolute and unqualified refusal, to grant any sums of money, for the administration of justice, in addition to those which have been provided for by Parliament, but only a qualified refusal to grant such moneys, so long as the appropriation thereof be withheld, and a sum asked for, from this

Council, (as it was in that instance) in gross instead of detail, for the services enumerated in Schedule A, and the required supplement thereto.

2. "That the casual revenue which has been improperly withheld from the control of this Council, for the first time this year, and which in the abstract of the expenditure for the year 1843, amounted to £6,698. 12*s.* 6*d.*, arising, as it does, chiefly from fines and penalties levied in courts of justice within the colony, affords an ample and suitable fund, out of which any supposed inadequacy of the provision made by Parliament, in Schedule A, for the administration of justice, may be supplied."

The Resolutions were carried by fifteen to eleven, and a Select Committee was appointed to prepare an Address communicating them to her Majesty.

Representation of Colonial Interests in England, September 18.—Dr. Nicholson moved a series of Resolutions to the effect, that it was highly desirable, that the interests of the colony should be represented in Parliament, and in England, by a gentleman of ability and experience; that a sum of £500 per annum should be appropriated annually as an acknowledgment of his services; that the Honourable Francis Scott, M.P. for Roxburgshire, was a fit and proper person for the office; and, lastly, that an Address should be presented to his Excellency, the Governor, praying him to place on

the Estimates for 1845, the above amount for the service.

His Excellency in reply to the Address, acquainted the Council that he would communicate the Resolutions to her Majesty's government.

Postage, September 18.—A series of Resolutions were again adopted this year by the Council, similar in purport to those adopted in the preceding year. His Excellency, however, could not feel himself justified in bringing forward any measures for the reduction of postage in the present state of the Finances.

Addresses and Petitions from the Council to her Majesty, and both Houses of Parliament.—Several series of Resolutions terminating in an Address to her Majesty, or Petitions to the Imperial Parliament were adopted by the Council. Two Addresses to her Majesty, were occasioned by alleged misrepresentations, on the part of his Excellency, of Resolutions of the Council. One of these has already been mentioned under the head of Estimates for 1845, and the explanatory Resolutions which the Council thought it necessary to pass have been quoted. The other related to the following passage of a Despatch from his Excellency, dated October 28, 1843, which was laid on the Council Table by the Colonial Secretary, on the 16th August.

"I can only reply, that it did not occur to me as possible, that the council would seek to make

her Majesty's government break faith with the servants of the public; and in any thing which did not involve a breach of faith, or greatly impair the efficiency of the Courts of Justice, I was prepared to yield to the wishes of the Council. The Council, however, having arrived at that division of the Estimates which relates to the Judicial Establishment, asserted its right to abolish offices, or reduce salaries, at its pleasure, without entering in any way into the question of compensation to the holders of office, and without reference to any promises given, or expectation held out to them."

The Council considered it necessary to vindicate themselves from these representations, and, accordingly, drew up a long Address, in which they took some pains to show that, so far from not having entered on the question of compensation, an Address had actually been voted to his Excellency, praying him to place on the Estimates, a sum of money to compensate the holders of abolished offices; to which Address, his Excellency returned a negative answer, on the plea, that the abolished offices were chiefly those of Police Magistrates, which were not, in his Excellency's opinion, of a permanent character, or such as entitled the holders of them to compensation on their abolition. The validity of this plea was not acknowledged by the Council, and her Majesty has been further addressed on this subject. The fact, however, is, that a money-vote cannot originate in the Council (vid. 5 and 6 Vict. c. 76,

c. I. 34). The Act expressly provides that all disbursements must be proposed by the Governor. When his Excellency, therefore, represented to Lord Stanley, that the Council had not entertained the question of compensation, he appears to have laboured under a strange misapprehension. With respect to reducing the salaries of the Prothonotary and Master in Equity, to which his Excellency alluded, the Council very clearly showed in their Address, that the sum of £650 had been originally approved by Lord Stanley himself, as the salary of the Prothonotary, who, nevertheless, sent out Mr. Gregory with a stipend of £800. The Council conceived that the sum originally fixed was ample, the duties of the office having been considerably reduced. Mr. Milford, who was sent out with the appointment of Master in Equity, at a salary of £1,000 a year, having been also appointed by the Judges to the office of Curator of Intestate Estates, worth £300 a year, the Council considered that £800, which was the sum originally proposed by Sir George Gipps, after consultation with the Judges, was sufficient for the legitimate duties of the office of Master in Equity. The Addresses to her Majesty were drawn up with great ability, and a loyal tone was observed throughout. They were prepared by a Select Committee, Charles Cowper, Esq., M.C. for Cumberland, in the chair.

The subject of Police and Gaols, was this year brought under the notice of the Council by Mr.

Robinson, who moved the adoption of an Address to her Majesty, setting forth, that the colony was required, by the estimates for 1845, to provide the enormous sum of £85,250. 16*s*. 8*d*. for expenses of Police, &c., being at the rate of 10*s*. 4*d*. per head for the whole population of the colony; a ratio which, if necessary in the United Kingdom, would require no less a sum total than £14,000,000. The Address went on to show, that the amount of crime among free immigrants and natives of the colony was to that among those who arrived as convicts, in the ration of 1800 to 3900, consequently, that the proportion properly chargeable on the colony was only £26,921. 7*s*. 2*d*. By similar reasoning it was shown, that a balance of £655,138. 12*s*. is due to the colony from the Home Government for the last eight years. An incubus of this sort, Mr. Robinson very ably proved, could not but materially impede the advancement of the colony, and the Address concluded by praying her Majesty to recommend Parliament, that the above balance be repaid to the colony, and that a due proportion of the annual expense of the Police and Gaols be defrayed by the Home Government. It was also suggested, that, in order to counteract the influence of the convict population (59,788 convicts having been transported to the colony), the British Government should send out the like number of free Immigrants, which would operate beneficially on the population of both the two

countries, in one of which upwards of four millions of its people were subsisting in a state of pauperism; in the other, hundreds of sheep and cattle were daily destroyed for the hides and tallow. By the consumption of taxable commodities occasioned by such an influx of population, the colony would be reimbursed in the sum annually due to it. The Address was referred to the Select Committee then sitting on General grievances, from whose amended Address the above calculations have been taken.

Petitions were sent from the Council to both Houses of Parliament, praying that grain, the produce of the Australian colonies, might be admitted, into the British ports, on the same terms as Canadian corn.

Other petitions were forwarded, founded on the Report of the Select Committee on Crown land grievances, which will come under notice in its proper place.

SESSION 1844.

REPORTS OF SELECT COMMITTEES.

Sixteen Select Committees were appointed during this Session, and their inquiries were directed to some of the most momentous questions relating to the colony. Four of them, however, were appointed merely to prepare petitions or addresses, which have already been noticed. Of the labours of the remaining twelve an account is now offered.

The first in order of time, as well as in importance, was the

1.—CROWN LAND GRIEVANCES' COMMITTEE.

A Select Committee was appointed, on the 30th of May, on the motion of Mr. Cowper, "to enquire into, and report upon, all grievances connected with the lands of the colony, with an instruction to distinguish between the grievances which can be redressed in the colony, and those which cannot." The Committee consisted of seven members, including representatives of all the great interests of the colony. The chairman, Charles Cowper, Esq., is the son of the Rev. Dr. Cowper, the senior Clergyman of the Church of England in the colony, and is the zealous and able friend of the cause of education in the principles of the Established Church. The medical profession was represented by Dr. Nicholson; the legal profession by Messrs. Windeyer and Lowe, the latter of whom was a Crown nominee; the banking and mercantile interests by Mr. Robinson, Manager of the Royal Bank, who, being a member of the Society of Friends, represented, in some sense, also the Dissenting bodies. The pastoral and agricultural interests were represented by Major Wentworth and Mr. Bradley, both extensive land and stock proprietors, as, indeed, are almost all the gentlemen who sate on this important Committee. More than

ordinary significance, therefore, attaches to their declaration, which precedes the Report, that they "have unanimously agreed to it." Twenty-six of the principal land and stock-holders were examined as witnesses before the Committee; and, in addition to this, a circular letter, containing queries relative to the subjects on which the Committee had been instructed to report, was addressed to every magistrate of the territory, to which no less than one hundred and twenty-two replies were received, almost without exception confirmatory of the conclusions drawn by the Committee. The questions involved, are, indeed, vital, and demanded the fullest investigation—the entire prosperity of the colony hinges on the determination which her Majesty's Government may form on these questions. It will, therefore, be necessary to examine the Report of this Committee with some minuteness, in addition to the historical details already given on the subject of the "Occupation and Sale of Crown lands."

The various matters reported on by the Committee are by them divided under eleven different heads,* viz:—

* It may be proper to give in the form of notes, copies of the "Depasturing Regulations," and of the "Recommendations" transmitted by his Excellency, the Governor, to the Home Government with his despatches on the subject of the Regulations. A copy is also subjoined of the circular letter addressed by the Committee to the Magistrates of the territory. [No. 1.

1. The Minimum Price of Land.
2. The Depasturing Regulations.

NO. I.—PROCLAMATION BY HIS EXCELLENCY THE GOVERNOR.

DEPASTURING LICENSES.

From the Government Gazette of April 2, 1844.

With reference to the Regulations of the 21st of May, 1839, and 14th of September, 1840, relative to the occupation of the Crown lands beyond the boundaries of location, his Excellency, the Governor, in consequence of the practice which has grown up of parties occupying several distinct stations under one license, has been pleased, with the advice of the Executive Council, to direct, that parties occupying stations in separate districts, notwithstanding that the same may be contiguous, shall be required in future to take out a separate license for each such district, and to pay the established fee of ten pounds for the same; and that no person shall in future be allowed to take up a new station, either in the same district in which his stock may be depastured, or in any other, without having first obtained a separate license for the same, under the recommendation of the Commissioner, and paid the fee of ten pounds thereon.

2. His Excellency, with the advice of the Executive Council, has further directed, that from and after the 1st day of July, 1845, a separate license must be taken out, and the fee of ten pounds paid thereon, for each separate station or run occupied, even though situate in the same district.

3. No one station, within the meaning of these Regulations, is, after the 1st day of July, 1845, to consist of more than twenty square miles of area, unless it be certified by the Commissioner that more is required for the

3. Commissioners of Crown Lands within the Boundaries.

quantity of sheep or cattle mentioned in the next paragraph.

4. If the party desire to occupy more, and the Commissioners consider him entitled to such occupation, with reference to the quantity of stock possessed by him, or its probable increase in the ensuing three years, as well as the accommodation required by other parties, and the general interests of the public, an additional licence must be taken out and paid for.

5. Every station at a greater distance than seven miles from any other occupied by the same party, will be deemed a separate station within the meaning of these Regulations, even though the area occupied may not altogether exceed twenty square miles; and no one licence will cover a station capable of depasturing more than 4000 sheep, or 500 head of cattle, or a mixed herd of sheep and cattle, equal to either 500 head of cattle, or 4000 sheep.

6. No station, or part of a station, previously occupied under a separate license, will be incorporated with, or added to the station of any licensed person, unless he pay for it the price of another license.

7. In other respects, the Regulations referred to will remain in force.

By his Excellency's command,

E. Deas Thomson.

NO. II.—RECOMMENDATIONS.

Transmitted by his Excellency, the Governor, with his despatches on the subject of the Depasturing Regulations as published in the "Sydney Morning Herald" of the 13th of May, 1844.

1. Every squatter, after an occupation of five years, shall

4. Commissioners of Crown Lands without the Boundaries.

have an opportunity afforded to him of purchasing a portion of his run, of not less than 320 acres, for a homestead.

2. The value of any permanent and useful improvements which he may have made on the land, shall be allowed to him; but the land itself—exclusive of improvements—cannot be sold for less than the established minimum price of £1 per acre.

3. Any person who may have purchased a homestead shall not be disturbed in the possession of his run during the following eight years. He must, however, continue to take out for the unpurchased parts of it, the usual license, and pay on it the usual fee of £10 per annum.

4. A second purchase of not less than 320 acres shall be attended with the similar advantage of being undisturbed for the next eight years; so that each successive purchase of 320 acres will act virtually as a renewal of an eight years' lease.

5. The right of the Crown must, however, remain absolute, as it at present is, over all lands which have not been sold or granted, it being well understood, that the Crown will not act capriciously or unequally, and will not depart from established practice, except for the attainment of some public benefit.

6. Persons who may not avail themselves within a certain period, to be hereafter fixed, of the advantage offered to them of purchasing a homestead, will be exposed to the danger of having any part of their run offered for sale, either at the pleasure of the Crown, or on the demand of an individual. The value of any useful and permanent improvements which they may have made on their lands, will be secured to them, should a stranger become the purchaser.

[7. The

5. Crown Lands Occupation Act.
6. Border Police.

7. The person, whoever he may be, who purchases the homestead, is to have the remainder of the run.

8. All sales to be as at present by auction—the appraised value of permanent improvements—which will be considered as the property of the former occupant—being added to the upset price of the land.

9. As stated in the notice of the 2nd of April, a license is not to cover more than 12,800 acres of land, unless it be certified by the Commissioner that the 12,800 acres are not sufficient to keep in ordinary seasons 4000 sheep. No existing run is, however, to be reduced below 12,800, on account of its being capable of feeding more than 4000 sheep. But, if any licensed person have on his run more than 4000 sheep, he is to pay £1 for every 1000 above 4000. A person, therefore, having on a run of twenty square miles, 5000 sheep, will not, as has been supposed, be required to take out two licenses; but will be charged an extra £1 for his license, or £11 instead of £10. If he have 8000 sheep, he will be charged £4 extra, or £14 in all. This is not stated in the notice of the 2nd of April, but it forms a part of the proposals which were sent home, as before referred to.

NO. III.—CIRCULAR.

Legislative Council Chamber,
Sydney, June 4, 1844.

Sir,

I have the honour to request that you will be pleased to favour the Committee now sitting to investigate the grievances connected with the Lands of the Colony, with your reply to the following queries. The Committee will feel obliged by your returning an answer at your earliest

7. Native Police.

8. The influence exercised by the present De-

convenience, addressed to the Chairman of the Committee, Council Chamber, under cover to the Clerk of the Legislative Council.

I have the honour to be, &c.

WM. MACPHERSON,
Clerk of the Legislative Council.

To

QUERIES.

1. What is your opinion as to the expediency of raising the minimum price of Crown lands to £1 per acre?

2. What is your opinion of the Government Regulations of the 3rd of April last, in reference to Depasturing Licenses, and what effect do you think they are likely to have upon the prosperity of the colony?

3. Will you state your opinion as to the nature and exercise of powers vested in the Commissioners of Crown lands, both within, and beyond the boundaries of location?

4. Will you state your opinion as to the efficiency of the Border and Native Police?

5. What is your opinion of the influence exercised by the present Depasturing Licensing System upon the general improvement of the colony, and the social and moral condition of its inhabitants?

6. What is your opinion as to the effect of the government enforcing the payment of large arrears of Quit-rents?

7. If you should be of opinion that grievances exist on any of the subjects above-mentioned, can you offer any suggestions for their remedy?

8. Do you consider that a right of pre-emption should be given to the squatters?

pasturing System upon the general improvement of the colony, and the social and moral condition of its inhabitants.

9. Quit-rents, and arrears of quit-rents.

10. Of Mineral Reservations in Grants.

11. The Compact.

To each of these points the Committee gave a most careful consideration; and their Report is one of the most able documents, perhaps, ever prepared in the colony:—

1. *Minimum Price of Land.*—Referring to the Report of the Select Committee on Crown land sales of the preceding year, the Committee, nevertheless, considered it proper to call further evidence on this important subject, and were led to the conclusion, that the present high upset price of land is "one of the main grievances under which the colony is suffering." The evidence was almost entirely to the same effect. The following short abstract of it, is taken from the Report:—

"Captain King, R.N., and Commissioner for the Australian Agricultural Company, says:—'It has entirely put a stop to the sale of Crown lands in this colony.'

"Mr. Boyd is of opinion, 'that the measure was fraught with the most injurious consequences to the colony, and that the spirit for emigration, and desire to invest money in this colony, then (when he left England) existing at home, were to a very

great degree checked, by the alteration in the price of land.'

"Mr. Kemble believes it 'to be most prejudicial to the colony, as necessarily separating agricultural from pastoral pursuits, and thereby keeping agricultural operations upon a very low scale, the manure from stock farming being essential to their success.' He asserts of his own knowledge, 'that it deters, to a great extent, emigration to this colony of the highest classes of persons; that they are aware, from the concurring testimony of all persons who have transmitted their opinions from this colony, of the impossibility of making any profit, especially in pastoral pursuits, upon land so purchased; and that the chance of gain from leases for such terms as are usually granted, even if beneficial, which implies profitable occupations, has not been, and will not be, sufficient inducement to such persons to come hither.'

"Captain O'Connell states, 'it has driven the largest class of purchasers totally out of the land market, and has naturally decreased the land revenue, thereby preventing the occupation of the soil by proprietors; it has naturally created, or would naturally create, if continued, the occupation by those who have no vested interest in the land; and that also is a system which cannot but be prejudicial to the interests of the community.'

"Mr. Donaldson asserts, that it is 'most absurd;' 'has most decidedly an injurious effect;'

and, as this gentleman has just returned from England, the Committee made a point of inquiring whether he could state from personal knowledge, what had been the effect produced by raising the minimum price upon the minds of those who desire to emigrate to this colony? His answer is:— 'to those who asked me, I expressed my opinion that it was decidedly too high a price for them to buy land at, with any probability of profit, and I found that they had received the same opinion from many others who were acquainted with the colony.'

" *Question* 5.—' Did that appear to damp their views as to looking forward to this colony as a field for emigration?' — ' Yes; all the persons with whom I have conversed in England, with the exception of gentlemen connected with the public offices, have thought badly of raising the price of land.'

" Mr. O. Bloxsome, Manager of the British and Colonial Loan Company, says, ' I consider no more effectual means could have been devised by the government for the stopping the sale of land altogether; I think also that it has had the effect in England of preventing emigration to this colony of a class of persons whom it would have been most desirable to have had here; namely, small farmers with capital; these persons naturally argue, Why should I go out to Australia, a distance of sixteen thousand miles, and pay £1. an acre for my land,

when by emigrating to Canada I can obtain it for a dollar?' "

It is a fact not undeserving of attention, that even Mr. Wakefield, to whom the advocates of the concentration principle of colonization, and of high minimum price, look as to an oracle, has himself admitted the inapplicability of these principles to Australia. He declares expressly, that, to colonize on that system is impossible in "such a country as Australia, where the main employment of capital is sheep-farming, and where, in some districts, several acres are required to feed a sheep." But the most remarkable of Mr. Wakefield's admissions, is as follows:—"The statement," he observes, "has to be made, that nobody has ever proposed to put a price on the use of natural pasturage; that might be granted for nothing, as all land used to be, but in strict proportion to the stock kept by the grantee, and on condition, that, whenever any body wanted to buy any of it, that portion should be resumed by the government for sale, without even a tendency to defeat the object of insisting on a price for every acre required as a permanent property."

In this opinion of Mr. Wakefield, Lord Glenelg did not appear to coincide, when he declared, in a despatch to Sir George Gipps, of the 9th of August, 1838, "that the interests of the colony required that a considerably higher price (than 5*s*. an acre) should be affixed to land." Experience,

however, must by this time have fully satisfied the Home Government of the impolicy of the course they have pursued. The matter appears perfectly simple to the Australian grazier, who does not trouble himself with theories. He knows that it can never pay him to purchase land at 20*s.* an acre; for, to take the case in most favourable circumstances, there is no natural pasturage, of which less than *three* acres will suffice to support a single sheep; and the highest profit which has been mentioned as derivable from grazing pursuits is 2*s.* per annum per sheep; now 2*s.*, as the interest on three pounds, is any thing but a fair profit, where money easily produces from six to ten per cent., without the personal labour of the capitalist. But the case appears much worse, when it is considered that in many districts *twelve*, and in some even *twenty or more* acres are required to support a single sheep, and where the profit, with the utmost economy, cannot be made to exceed 1*s.* 4*d.*, or 1*s.* 6*d.* Yet if a man wished to purchase this land, he must pay 20*s.* for every acre of it. Why, twenty farthings would be nearer the value of it.

The Act of Parliament (5 and 6 Vict., c. 36,)* which introduced this system, appears to act in a ten-fold degree injuriously, when the difference which it establishes between this colony and other British colonies is considered. The extensive agricultural lands of British North America can be purchased at prices varying from 1*s.* 9*d.* to 6*s.* 7*d.*

per acre, with the single exception of the little colony of Prince Edward's Island, where only about eight thousand four hundred acres of Crown land remain unalienated, and where the price is from 10*s*. to 14*s*. of their currency, or something less in sterling money. At the Cape of Good Hope, a colony only half way between England and Australia, better land is sold at a much lower price. On the subject of the Cape of Good Hope, the Committee examined Joseph Phelps Robinson, Esq., M.C., Manager of the Royal Bank of Australia, whose evidence showed very clearly the disadvantageous position which the colony is forced to occupy with reference to the purchase of land.

"I was very desirous," observes Mr. Robinson, "to ascertain what quantity of land (at the Cape of Good Hope) it took to feed a sheep, and as none of the farms were fully stocked, I found some difficulty in it; but upon one estate within a few miles of Port Elizabeth, I discovered that six thousand acres supported six thousand sheep, and a herd of three or four hundred cattle; so that I think, on an average, grazing land there will feed one sheep to one acre. There were a number of farms sold about the time I was there, and they varied from 9*d*. to 5*s*. an acre, according to the improvements which had been made upon them; great advantages are given there by the land-owners to the settlers; I have heard of land sold in the Cradock district at about 2*s*. 6*d*.

an acre, the purchaser paying interest, or rent, at the rate of six per cent."

"Did you turn your attention to the subject of the price of labour?"

"In consequence of the Caffre war in 1834, a tribe of blacks called Fingoes were declared free by the British government, and came into the Cape Colony for protection — they amount to about twenty thousand. These Fingoes are excellent shepherds; and a man with his family will manage eight hundred sheep for about £10 a year, including rations and all expense."

"Is the country where these lands are situated accessible? Has it many natural advantages?"

"The principal grazing district for sheep is Albany, and the expense of carriage from Port Elizabeth to Graham's Town, a distance of one hundred and six miles, is from 2*s.* 4*d.* to 3*s.* per cwt."

"What is your opinion as to the comparative advantage of settling on the land, and squatting in New South Wales?"

"I think settling in the eastern provinces of the Cape of Good Hope is far better than squatting in New South Wales."

"Will you also state to the Committee what is the average value of land here?"

"I think one acre of land at the Cape of Good Hope is worth three acres in New South Wales, for grazing purposes; and if land can be bought

at the Cape for 9*d.* an acre, I do not consider land here worth more than 3*d.*, that is, taking the whole block."

"Have you any information in respect to any sales of wool that took place at the Cape during your stay there?"

"Prime wool was selling in Graham's Town, in April, 1842, at 1*s.* 4*d.* a pound; and a friend of mine, who was a wool-grower, as well as a merchant, credited his farm for wool sent down from it at 1*s.* 5*d.* a pound."

It is impossible to consider facts such as those mentioned in Mr. Robinson's evidence, without being convinced, that New South Wales has suffered great injustice. The principle of a high minimum price might possibly answer in a country where capital and labour were to be applied to a small extent of ground; but in a colony like this, where both capital and labour must necessarily be spread over a large surface, the idea is preposterous. "The effect," the Report truly observes, "has been to injure England, by stopping the tide of emigration, and Australia, by preventing its boundless territory from being applied to the uses of civilized man."

2. *The Depasturing Regulations.*—The origin of the present Depasturing System has been fully traced in the second section of this chapter. On reference to that account, the reader will perceive, that Sir

Richard Bourke did not attempt to impose any restriction on the then most disorderly system of squatting, without first obtaining a legislative enactment, To such an enactment, the Legislature cheerfully acceded, justly estimating the regularity and respectability which the possession of a License would secure. His present Excellency, however, by advice of the Executive Council, issued, on the 2nd of April, 1844, the Regulations which will be found in the form of a note, a few pages back.

The right assumed by his Excellency, of raising a revenue from the Crown lands without the intervention of the Legislature, is questioned by the Committee, as not being in accordance with the law of England. The only lands for which, in the opinion of the Committee, the Crown is entitled to exact rent, are "the domain lands of the Crown, the private estate of the Sovereign, the portion allotted to him in the original partition among the conquerors." But the waste lands of a newly-discovered country can scarcely be placed on the same footing as a royal park.

The legal argument is so concisely and skilfully stated in the Report, that it may be extracted:—

"But even granting this assumption, (viz.: that the waste lands of Australia are domain lands of the Crown), to be correct, the consequences which flow from it are far different from those which are sought to be drawn. Her Majesty has,

indeed, an undoubted right to collect the rents and profits of her domain lands, *but only for the benefit of the consolidated fund.* These hereditary revenues of the Crown were solemnly surrendered during the life of her Majesty to the consolidated fund in consideration of a Civil List of £385,000, by the statute 1 Victoria, chapter 2, section 2. The inevitable inference is, that the ordinance of the Local Legislature, (2 Victoria, No. 27,) applying the sums paid for the use of these lands to the purposes of mutual security and protection, and assisting the Colonial Government, in raising rents from these lands to be applied otherwise than to the consolidated fund, is void to all intents and purposes. Your Committee do not put this forth as their own opinion, but as a conclusion to which those must inevitably be driven, who maintain that the waste lands of this colony are the domain lands of the Crown. So far from admitting this view to be correct, your Committee consider, that it is only by the fiction of the ancient feudal law, that these can be said to be lands of the Crown at all. By reference to the second volume of Blackstone's Commentaries, Chapter IV, it will be seen, that there never was a time at which the Sovereign could be said to be the proprietor of the whole, or of any large part, of the kingdom; that the notion, that all property in land is derived from the King, was a *mere fiction* of the Norman lawyers, not

introduced immediately after the Battle of Hastings, but in the nineteenth year of the Conqueror's reign, under the apprehension of a Danish invasion; and that whatever oppression the Conqueror and his immediate successors may have found excuse for under this fiction, it never was acquiesced in as anything more than a fiction by the English nation.

"Your Committee would suggest that this reasoning applies with still greater force to the use of natural herbage, than it does to the ownership of land. By the ancient law, every owner of land was allowed to feed his cattle on the Lord's waste; and the analogy of law would seem to imply, that these waste lands stand to the settled parts of the colony in the relation of a vast common, to which, until it be appropriated, all her Majesty's subjects have, of common right, free access, subject only to such regulations as are necessary to preserve peace and order.

"Thus, her Majesty has, as an ancient flower of her prerogative, the ownership of the seas surrounding Great Britain, and of the soil over which they flow, and dominion over them. But, nevertheless, all her Majesty's subjects have, of common right, the same liberty of fishing in those seas, as her Majesty herself. This, your Committee would submit, is the nearest parallel that the ancient law of England affords to the case of the waste lands of this colony. The legal argument thus resolves

itself into this dilemma: if these waste lands be domain lands of the Crown, the proceeds of licenses ought to be carried to the account of the consolidated fund; if they are held in any other right, it can only be by the fiction of the feudal law, and such a fiction can never legally be made the ground-work of taxation."

It seems unnecessary to add a single word to this very lucid reasoning. It is worth notice, however, that his Excellency, in his Financial Minute of July 18, 1844, stated that the license fees were not taken under the Squatting Act, (in which there is, in truth, no authority for the exaction), but are part of the revenues of the Crown; thereby tacitly admitting, the arbitrary and unauthorized character of the impost. The license-fee, from the first, was never intended as a payment for the use of the land, but merely as a certificate of character, and a recognition of the right of government to resume the occupation of the land. The language of the Report may now again be used:—

"With reference to the Regulations themselves, your Committee would beg leave to remark, that they pre-suppose a survey, which it is impossible can be effected for many years, (even were the Surveyor-General's department in effective operation); and that were this difficulty removed, the number of acres affords no guide to the value of the tract of land occupied by any person.

"Some parts of the colony are mere deserts, no number of acres of which will feed a sheep; in others this may be done with little more than a single acre; in others, the stations cannot be occupied more than a few months at a time, from want of water.

"The only practical principle of defining stations is the adherence to natural boundaries, such as the course of streams, the summits of mountains, or any marked change in the character of the vegetation; and the only intelligible measure of the value of the station, when so defined, is the quantity of stock which it is able to support in an average season. Tried by these tests, which are no speculative opinions, but which have been confirmed by nearly every witness examined before your Committee, and by the general tenor of the correspondence of the Commissioners of Crown lands with the Colonial Secretary, the Regulations of the 2d April must be pronounced not only oppressive in their details, but absolutely impracticable in their original conception.

"Your Committee are of opinion, that the 'Recommendations' of the 3rd April are an improvement upon the Regulations of the second, inasmuch as an admission is made in favour of something approaching to a more permanent occupation, and of the right to compensation for improvements; there is, however, nothing to prevent the grazier from being ejected from his

run, immediately after he has purchased a homestead, solely with the view of securing it; for by the fifth clause it is provided, that 'the right of the Crown must remain absolute, as it at present is, over all lands which have not been sold or granted; it being well understood, that the Crown will not act capriciously or unequally, and will not depart from established practice, except for the attainment of some public benefit.'

"There is, indeed, something so complicated and contradictory, and withal so delusive, in reference to the price per acre to be paid for the land, that no regulations, which may be based upon them, can give satisfaction."

3, 4. *Commissioners of Crown Lands within and without the Boundaries.* — The arbitrary power given to the Commissioners of Crown lands within, but more especially without, the boundaries, is a cause of indignant complaint. Within the boundaries, the Officers of the Surveyor-General's Department had been reduced to salaries, equal only to one-third of their former amount, with an allowance for their work actually done, according to a certain scale fixed by the Governor. These officers were also instructed to act as Commissioners of Crown lands, and in that capacity to watch over the unauthorized occupiers of Crown lands, being promised at least 25 per cent. upon any increase, made in consequence of their exertions, in the revenue derived from leases

and licenses to occupy Crown lands within the boundaries. But if the powers of Commissioners, within the boundaries, be vexatious, the case is ten times worse without; those powers, which are already arbitrary and unconstitutional in the highest degree, are amplified by the regulations of April 2, 1844, which, if not previously checked by instructions from the Colonial Department, will come into operation on the 1st July, 1845. The Committee well observe, "that there is no functionary in her Majesty's Dominions, to whom is entrusted such absolute power over the property of his fellow subjects; the loss of a license is in most cases absolute ruin; and yet how lightly this may be, and is, taken away, is shown by the evidence. . . ." "The vesting of absolute power over the property of others in any single person is a principle as unknown to the British Constitution, as the claim to derive a revenue from the waste lands of the Crown; and your Committee have become convinced of the evil working of this power by observing, that every witness, while he censured the Commissioners as a body, was earnest and eager to except the Commissioner of his own District."

5. *Crown Lands' Occupation Act.*—The Committee recommend the immediate repeal of this Act, on the ground that it was obtained under the distinct understanding that the license-fee, and assessment, should both be applied to the purposes

of mutual protection and security. The Crown, however, appears now to set up a distinction between the license-fees and assessment on stock; the former being apparently claimed as payment for the use of waste land, which it clearly was never intended to be, and the latter only being employed to defray the expenses of protection.

6, 7. *Border and Native Police.*—The Committee object, and on satisfactory grounds, to the employment of convicts as a mounted constabulary, which, though it might formerly have been justified by the necessity of the case, is now no longer required. From the evidence of the Commandant of the mounted Police, it appears that there would be no difficulty in obtaining a supply of regular soldiers for the extension of the mounted Police, a force whose effectiveness has so often been the subject of commendation. The border Police, employed without the boundaries, seems utterly useless, and even worse; while the native Police, though it appears, from the evidence of the Colonial Secretary, that they have been found useful in the District of Port Phillip, seem hardly capable of being brought to act efficiently as an independent corps, though they may perhaps be employed advantageously in connection with a corps of European Police.

8. *Moral and Social Influence of the present Depasturing System.*—To this branch of the subject, the Committee devoted much earnest

attention. The moral evil complained of is thus stated:—

"The uncertainty of tenure under a yearly license, subject to withdrawal at the will of the Executive, upon a mere report or recommendation of a Commissioner, or even by one Justice of the Peace, prevents the establishment of any means for religious instruction or education, and such a state of things must have an effect which it is fearful to contemplate."

And further:—

"Your Committee cannot but feel that great injustice has been done to this body of Colonists by excluding them from a participation in the means of obtaining the ordinances of religion; notwithstanding the scattered state of the population, the visits of an itinerating clergyman would have a beneficial effect. In a charge recently delivered to his clergy, his Lordship (the Bishop of Australia) expresses his opinion, that unless by the influence of the government, or by a combination of the parties concerned, or by both united, some decided steps be taken for the propagation of the Gospel in the more remote parts of the colony, barbarism and unbelief, according to the reports which his Lordship receives, and from what he has himself witnessed, will assuredly grow up, and gain the ascendancy in those neglected portions of the territory of a Christian Sovereign."

With reference to the political and social cha-

racter of the system, the following passage is also extracted from the Report:—

"The possession of property, unconnected with its rights and duties, must exercise a most pernicious effect upon the community in its political relations. Persons whose means of subsistence depend upon the will of the Executive, cannot safely be entrusted with the elective franchise; and, as it cannot be expected that the residents within the boundaries will always continue to be the largest holders of stock beyond them, this absence of political privileges seems likely, at no distant time, to raise up two distinct and hostile classes, the one possessing more and the other less than their due weight upon the Councils of the colony.

"The social evils of the system are equally apparent; the possession of property, without its rights and duties, is not more anomalous than the separation of an Englishman from the cares and comforts of the domestic circle. Your Committee are of opinion, that, great as are the advantages in an economical view of fixity of tenure, its power to counteract this enormous social evil is its greatest recommendation. Let the painful feeling of uncertainty be once removed, and the disproportion between the sexes existing beyond the boundaries of location will be gradually, but surely, remedied; and those who have been not inaptly compared to the wandering Arabs of the desert, would throw off their restless and migratory habits, and become

alive to the pleasures and awake to the duties of civilized life.*

* The following extracts from the evidence give an awful, but not exaggerated, picture of the state of religious and moral feeling beyond the boundaries of location :—

"What is your opinion of the influence exercised by the present Licensing System upon the general improvement of the colony, and the social and moral condition of its inhabitants?"—"In my examination last year before the Immigration Committee, I stated, that the expense of sending supplies into the interior was so great, as to prevent the employment of married people, and that, in consequence, we were forced to employ single men. The result of this, I need scarcely say, is, that the standard of morality is lamentably low; that frequent conflicts arise betwixt the natives and the shepherds, from disputes respecting their *gins* (native black women); and that the men are but too glad to seize an opportunity of neglecting their work, and spending their time and wages at the nearest public-house, or wherever grog is to be had. This order of things, I am convinced, must necessarily continue so long as the squatter holds his station upon the present precarious tenure; but were we to have fixity of tenure, and leases for, at least, twenty-one years, I am satisfied that few squatters would have an unmarried man in their employment; they would then have some inducement to improve their station, and make them comfortable homes, and to draw around them a well-conducted and respectable peasantry."—*Evidence of Benjamin Boyd, Esq.*

"What is your opinion of the influence, &c.?"—"There can be no question that the present system has been productive of very great evil, and whilst no fixity of tenure is given, and no inducement held out by the government for persons to live at their stations beyond the boundaries, the evil will continue; at the present time, very few will be

"The evidence taken before your Committee establishes the fact, that that which limits the pro-

found taking their wives and families into the interior, and subjecting them to the numerous inconveniences attendant upon a bush life, so far removed from all civilized society; and, in fact, scarcely any but young unmarried men, persons who are capable of enduring great bodily fatigue, and who are regardless of those little comforts and luxuries which are indispensable to persons further advanced in life, ever think of becoming squatters; you scarcely ever find an elderly person setting himself down in the bush; then the total disregard of the Sabbath is notorious; I have known an instance where the overseer has called to men on the station, to know whether the day was Friday or Sunday! This state of things could not exist, if the regulations regarding squatters were such as would allow of families living beyond the boundaries."—*Evidence of O. Bloxsome, Esq.*

"What is your opinion, &c.?"—"There can be no doubt that men who possess no vested interest in the soil are not likely to make permanent improvements, so as to draw about them all the comforts and acquirements of civilized life; and that the interests of religion and morality have suffered very much by the present system is, I think, also apparent; it is a common and frequent saying that beyond the boundaries there is no Sunday!"

By the Chairman.—"If an itinerating clergy were established in the interior, do you think there would be any difficulty in the shepherds attending Divine service in the evening, or even in the morning, before they go out with their flocks?"—"I think it would require peculiarly zealous and active clergymen, a description of men very difficult to get."

"But do you think the masters of establishments would make difficulties themselves, or the men be unwilling to

fitable occupation of waste lands, is the want of surface water. In a climate like that of Australia, where more rain falls than in England, it would be easy to obviate this deficiency by the construction of wells, reservoirs, and tanks; but this will never be done so long as the occupant feels that the results of his labours are not only not secured to him, but are likely to tempt others, by every means in their power, to disturb his possession.

"The same observation applies with equal force to any permanent improvements, and, so long as the present feeling of uncertainty exists, the evils of dispersion will thus be aggravated, and the resources of the country left undeveloped."

9. *Quit-rents, and arrears of Quit-rents.*—It has been formerly explained, that under a regulation introduced by Sir Thomas Brisbane, parties in some instances obtained free grants of land (or, which is the same thing, remission of the purchase-money, or reduction, or entire redemption of the quit-rent) on condition of their maintaining and clothing a certain number of convict servants. As the government subsequently failed to supply the convict labour, the belief became general, that the

attend at those times?"—"Not at all. I think a little encouragement being given to them would lead to a much stricter observance of the forms of religion. I think it would be a very good plan to have a clergyman to a district, although he had no fixed church."—*Evidence of Captain M. C. O'Connell.*

quit-rents would be either remitted or compromised. In former years, in fact, government had so much money at command, that the small amounts reserved in the shape of quit-rents were considered beneath their notice—they were never demanded—the land-owners, consequently, adopted the very natural impression that government intended to abandon the claim, and it was not until the late exhaustion of the land fund by immigration, and the prevention of its renewal by the "pound-an-acre" Act, that the government ever thought of demanding the quit-rents, which in some cases have accumulated, (the land, perhaps, having passed through a number of hands) until the government claim far exceeds the whole value of the land. The question is extremely well stated in the evidence of Henry Dangar, Esq., of Neotsfield, one of the largest stock-holders in the colony, and who was for some years attached to the Surveyor-General's department. An extract is given below, in the form of a note.*

* *By the Chairman.*—"What is your opinion as to the effect of the government enforcing the payment of large arrears of quit-rents?"—"The enforcing of quit-rents at this time is felt by the debtors as very severe; it is considered that a great part of them should be remitted altogether, because they were principally incurred when the colonists were receiving the full and very beneficial advantages of the Assignment System, and because the settlers during Sir Thomas Brisbane's government were bargained with, that the maintenance of convicts, at £16

It therefore appears, that the enforcement of these claims, after they had almost become forgotten, (so much so, that many parties have purchased land from grantees, without ever hearing of the existence of such claims) is an act of most injudicious policy which can only tend to the ruin of many individuals, and to the general weakening of the

per annum, should be taken in redemption of quit-rents at twenty years' purchase, which convicts, in most cases, the government have not been able to supply; and because, when these quit-rents were instituted, there was no idea of assessments on land through District Councils. I understand that the greater part, if not the whole, of the quit-rents of the million-acre grant to the Australian Agricultural Company, has been redeemed in this manner, and I am of opinion, that faith should have been kept with the public as well as with this influential company, who have reaped a double advantage by insisting on government fulfilling their bargain, and have had a most numerous body of convicts given to them in the assigning days."

* * * *

"Do you think it an oppressive exaction, on the part of the government, to demand these accumulated arrears of quit-rents, which for many years were in abeyance, so that the parties were led to suppose the government had foregone its claim?"—"I think it would, particularly in those cases where settlers took land in dependence upon the agreement entered into by the authorities at Downing Street, wherein their redemption was bargained for."

* * * *

By Mr. Robinson.—"Have you heard any instances of property being sold at very low rates to pay quit-rents?"—"I have."

"Will you state the particulars?"—"I was not present

public confidence in the consistency of government. A subject cannot recover a debt from a subject of more than six years' standing; and, though as a matter of law, "nullum tempus occurrit Regi," (no time affects the claims of the Crown) it is impossible not to acknowledge the force of the reply given by the late Mr. Francis Kemble, when this difficulty was suggested to him by Mr. Lowe, one of the legal members of the Committee:—"I think any extension of claim, beyond that which a subject could legally enforce, impolitic and unjust, and that the parties owing quit-rents might fairly infer, from the long and doubtless advised forbearance of the Executive, that they would not be called upon at all, such forbearance being naturally considered as the equivalent for the loss of advantages which the occupiers of lands so charged calculated upon receiving from the Crown, when they engaged to make these payments."

10. *Mineral Reservations.*—The discovery of several valuable mines in South Australia, has forced on the attention of recent grantees in New South Wales, that their grants contain reservations

at the sale, but have been informed that a sale took place in the district of Scone, under a levy for quit-rents, and that sheep were sold for about sixpence a head. I have also heard of an instance at William's River, where there was a great sacrifice of property; horses, carriages, &c., being sold at a very low rate." (The common price of sheep at present is from 6*s*. to 8*s*.)

to the Crown of mineral wealth. The Australian Agricultural Company have a monopoly of coal till the year 1862. Since this monopoly was granted, government has generally endorsed the deed of grant with a reservation of minerals, even though the promise of the grant had been made before the monopoly was granted, till which time no regulations specifying such reservations were in force. Grantees thus situate feel it a hardship that they cannot work mines without yielding an advantage to the Crown.

11. *The Compact.*—It has ever been a subject of complaint to the colonists that the management of the Crown lands, and the revenues arising from them is not placed under the control of the Governor and Legislative Council. It had always been understood that the defrayment of the expense of Police and Gaols was consented to by the colonists, on condition of their receiving the surplus of the Land Fund, beyond the sums appropriated for the assistance of emigrants. The matter was communicated to the old council by Sir Richard Bourke, on the 18th May, 1835, when he informed the council, that, to enable them to make provision for this charge, (Police and Gaols), His Majesty had been graciously pleased to place at their disposal the surplus of the Land Revenue, and of the casual resources of the Crown beyond the sums appropriated for the assistance of emigrants. The Council naturally considered this as

the establishment of a compact between the Crown and the Colony—the former surrendering the management of its casual and territorial revenues, and the latter in return undertaking to provide for the expense of the Police and Gaols.* Notwith-

* The following extracts from official documents will place the nature of the "compact" about which so much has been written and said, in an intelligible point of view.

1. *From a Despatch from Sir Richard Bourke to the Rt. Hon. E. G. Stanley, September* 1, 1834.—"Until the last year, the income derived from Crown lands and all other sources of revenue, formed a general fund, from whence the expenditure of the colony was defrayed. Since the receipt of the circular despatch of Lord Goderich, of the 4th of March, 1832, this practice has been discontinued, and the income of Crown lands has not been taken as forming any part of the Ways and Means of the years 1833, 1834, or 1835; nor has its receipts or expenditure been published, or laid before the Council in the Abstract for 1833; but the expenses of emigration to this colony under the direction of his Majesty's government have been paid from these revenues."

2. *From a Letter from the Secretary to the Treasury to the Secretary of State for the Colonies, September* 23, 1834. —"At New South Wales considerable payments have been made from the local revenue towards the expenses of the Police, and it is proposed in the Estimates of Expenditure for 1834, adopted for the Colonial Council, to apply £8000 to this service; but at the same time, the receipts from sales of Crown lands, fines, and some other heads of casual revenue, formerly paid into the Military Chest, have latterly been carried to the credit of the Colonial Revenue.

"Under these circumstances, it appears to my Lords, that the time has now arrived, when the arrangement of 1827—(alluding to the arrangement in Governor Darling's

standing all this, however, the government has continued, agreeably to instructions from Downing

time, when the Crown Revenues were first surrendered in consideration of the Civil List, but which arrangement had been virtually nullified by Lord Goderich's circular)—may be most properly revised, and the intention then entertained, of charging further portions of the expenditure incurred in these colonies upon the Colonial Revenues carried into effect, by the transfer to the Colonial Treasuries of such charges as are now defrayed from the Military Chests, for the Police establishments, for Gaols, and for the Colonial Marine, exclusive of vessels hereafter adverted to; the Commissariat still continuing to pay, from funds provided by this country, all charges immediately connected with the custody and superintendence of the convicts, including the penal stations, and the medical establishment; and also the vessels employed in communicating with the penal stations, and detached military posts.

"My Lords have no recent statement before them of the exact amount of the charges thus to be transferred to the Colonial Funds; but they conceive that they will not exceed £25,000 per annum at New South Wales, and £12,000 per annum at Van Diemen's Land."—(The amount on the estimates for 1845 in New South Wales, was £85,250. 16*s*. 8*d*.)

"They are aware that it may be alleged, that the very heavy expense of Police, which constitutes by far the greater portion of these amounts, as well as the charges attending the gaols, are principally rendered necessary by the presence of the convicts; but as the great and rapidly increasing prosperity is mainly to be attributed to the advantages derived from the labour of the convicts, and as the necessity for the large Police establishments arises from the dispersion of the convicts for the accommodation of the other settlers, it appears to my Lords, that the expenditure

Street, to withhold the management of these revenues from the local legislature; and the childish

in question may be most legitimately charged upon the Colonial Revenues; at the same time they are prepared to acquiesce in the local treasuries continuing in the receipt of any surplus of the land revenues, beyond the sums appropriated for the assistance of emigrants, and of the other casual revenues of the Crown, and to allow the colonies the benefit of the labour in making roads, or on other public works, of those more refractory convicts who may be compelled to work in the chain gangs."

This last passage is quite authoritative, as to the right of the Colony to the surplus of the Land Fund, beyond what was applied to emigration purposes. But plain as this appears to be, an attempt was made by the apparently accidental introduction of an "&c," to neutralize the obvious conclusion to be drawn from it, as will be seen from the following extract.

3. *From a Despatch from Lord Glenelg to Sir Richard Bourke, July* 10, 1835.—"By the enclosure to my predecessor's despatch, No. 39, of the 15th of November last, you would perceive that his Majesty's government have acceded to the principle of the Local Treasuries of the respective Australian colonies receiving any surplus of the land revenue, and of the other casual revenues of the Crown, beyond the sums appropriated to the purposes of emigration, *&c.*; and in the spirit of that arrangement, you will consider yourself authorised to place in the Colonial Treasury whatever revenue of the Crown may remain unappropriated at the expiration of every year, after paying the expenses incurred on account of emigration, and after defraying any other charges which his Majesty's government should think proper to direct should be borne on that revenue. At the same time, it cannot be too distinctly understood, that the directions just given are not to be

plea attempted to be raised is, that though the surplus was to be carried to the credit of the Colonial Revenue, yet government was still to retain the power of disposing of it, notwithstanding the additional burdens imposed on the colony. The colony was thus placed by government in the position of a school-boy who asks his father for a shilling on a holiday, and to whom his cautious parent replies: "Yes, certainly, I will give you a shilling with pleasure, *but—I shall keep to myself the power of spending it!*"

Having thus reported upon the various subjects submitted to their consideration, the Committee proceed to offer several recommendations with a view to the procuring of redress. The nature of the recommendations will have been inferred from the foregoing remarks and extracts. It was proposed, that the arbitrary powers of the Commissioners should be restricted, and that those powers should be transferred to some tribunal of the nature of a jury, over which the Commissioner should preside; that the license-fee should be either abolished, or reduced to a merely nominal sum, and an

taken as divesting the government of the full and uncontrolled power of applying the Crown revenues in part, or in whole, without the consent or intervention of the legislature."

Such trifling as this is unworthy of the British government; but, under any circumstances, Lord Glenelg's letter is of no force except as expressing his Lordship's opinion. The "litera scripta" is the Treasury letter.

assessment imposed, such as the legislative council might think reasonable, with reference to the proposed abolition of the license-fee—the said assessment being made part of the ordinary revenue, out of which the expense of the mounted Police, (an extension of which is proposed to be substituted for the border Police,) and of the Commissioners of Crown lands, should be defrayed.

The Committee further recommend the total and immediate repeal of the 5 and 6 Victoria, c. 36, as far as regards New South Wales; as well as the repeal of that part of the Constitution Act, which prohibits the council from interfering with the Crown land revenues; and the vesting the management of those revenues in the Governor and Legislative Council of the colony.

9. INSECURITY OF LIFE AND PROPERTY COMMITTEE.

During the early part of 1844, two murders of a very horrible character were committed in Sydney. In one case, a Norfolk Island expiree, who held a ticket-of-leave, had gone into the shop of a poor widow, named Ellen Jamieson, and asked for some trifling article. While Mrs. Jamieson was serving him, the ruffian raised a tomahawk, which he held in his hand, and clove the unfortunate woman's head in a savage manner. She lingered for a few days, and died, leaving two orphan children. The

murderer, whose name was John Knatchbull, was proved to have been a wretch of the most abominable description;* and though an attempt was made to set up a plea of insanity, a barrister being employed by the agent for the suppression of capital punishment, so foul a villain could not be saved from the gallows. It is gratifying to add, that Sir Edward Knatchbull, the brother of the criminal, has sent out a handsome donation for the orphans of Mrs. Jamieson.

The other case excited, if possible, greater sensation than the murder of Mrs. Jamieson. The victim was Mr. James Noble, well known in Sydney as a general agent, and a man of high character and estimation. Mr. Noble was sitting in his house on Sunday evening, the 26th of May, reading the Scriptures with Mrs. Noble and another female relative, when a tap at the front door caused him to rise for the purpose of opening it. Three men presented themselves, one of whom handed him a letter, which he immediately opened. While reading it, the three men entered the house, and one of them flashed a pistol at Mr. Noble's head; the noise of the cap alarmed the family, who screamed for help, and Mr. N. turned and seized the fellow who held the pistol, whose name was Vigors. After some struggling, this man suc-

* Vide an extract from the evidence of Chief Justice Forbes, in the preceding section under the head of "Norfolk Island."

ceeded in getting away, and effected his escape by the back door, with one of the others. The third attempted to escape likewise, but was seized by Mr. Noble, and held till assistance came, when the man was secured, and Mr. N. was found to have received a deep wound in the upper part of the stomach from a knife.* The wound proved mor-

* Considerable difference of opinion existed as to the real perpetrator of this murder. The difficulty arose from the facts that Mr. Noble was struggling with both Vigors and Martin, and that a knife was found on the persons of both of them. Vigors was charged in the indictment with having inflicted the mortal wound, and was found guilty; that he was a murderer in intent is plain from his having flashed the pistol; but that he was so in reality is not so obvious. The jury appear to have regarded principally the fact, that Vigors's knife was sharp-pointed, and Martin's broken. The evidence of Dr. Fullerton, however, the surgeon who made the *post mortem* examination of the body, seems decisive. The instrument, when passing between the lobes of the liver, had wounded both lobes, which could not possibly have resulted from an impulse of the narrow-pointed knife, and the wound bore no appearance of a second effort. The stomach too, was incised to the extent of the external wound, to have done which the narrow-pointed knife must have been driven to such a depth as to have pierced the posterior wall of the stomach, which was untouched. Dr. Fullerton proved also, that the wound on one lobe of the liver was made by a sharp edge, and on the opposite side by a blunt edge; and that two imprints of blood had been found on the seat of Martin's trowsers, (such as would be made by wiping a knife), and which corresponded exactly to the blade of the knife found in Martin's possession. It may be added, that Vigors,

tal; Mr. N. died within two days. Vigors and Burdett, who had escaped, were taken a few days afterwards, about twenty miles from Sydney. Martin, the man whom Mr. N. had detained, turned approver, and in consequence of statements made by him, an old ticket-of-leave holder, named Rankin, was apprehended as an accessary before the fact, in supplying the murderers with the pistol and knife. Vigors and Burdett were both hanged; but doubts being entertained of Rankin's guilty knowledge in the matter, his case was sent home for consideration.

The facts which rendered these murders so startling, were, that all the criminals were Norfolk Island convicts, and the three men, Vigors, Burdett, and Martin, were actually under sentence in Hyde Park barracks. They had escaped from the gang as they were entering the church; and, having a plain dress concealed under their branded clothing, they retired into an old shed, and throwing off the slops, sallied out in the garb of free men. These circumstances diffused an almost universal feeling of alarm through the city, and, indeed, through the colony. The feeling, which has been occasioned by the first intimation from the Secretary of State for the Colonies, that Norfolk Island

though a hardened and shameless villain, who took a pride in confessing the catalogue of his enormities, to the last denied having stabbed Mr. Noble, and boldly accused Martin of being the guilty party.

Expirees were to be allowed to land on the shores of this colony *with privileges at least equal to those conferred by a ticket-of-leave*, was revived with additional force. The murderers of Mr. Noble, indeed, had been sent from Norfolk Island as invalids, and ought to have been under strict surveillance in the barracks; but it appeared from the evidence of the approver Martin, and of other witnesses examined at the time, that the security of the barracks was in a great degree imaginary, there being no difficulty in evading the vigilance of the watchmen, or in putting it to sleep by a silver opiate, and then clambering over the outer wall.

In consequence of the excitement which prevailed, a Select Committee of the Legislative Council was appointed, on the motion of Dr. Nicholson, to enquire into the state of the Sydney Police, and the nature of the discipline in Hyde Park Barracks; and to consider the expediency of remonstrating against the introduction of Norfolk Island Expirees into the Colony.

It is possible that the shock which the public mind had received by the barbarous murders just mentioned, magnified the danger which existed. No emotion of the mind is so self-procreative as fear; and the dreams of the sensitive were broken by visions of tomahawks, pistols, and shoemakers' knives. These alarms, however, soon subsided, from the want of fresh sustenance, and the peace of the city was restored. One good effect certainly

resulted from the enquiries of the Committee. The Executive received a pretty strong reminder on the subject of the discipline observed in Hyde Park Barracks, and it is not to be feared that they will again fall into the same state of irregularity. With regard to the Norfolk Island Expirees, though the regulation on the subject has not been rescinded, yet there is no doubt, that such order will in future be taken with these refractory gentlemen, as to prevent their presence in the colony becoming a source of alarm.

3. ELECTIVE FRANCHISE AND REPRESENTATION COMMITTEE.

This Committee was appointed, on the motion of Dr. Lang, "to ascertain whether any, and what, measures are requisite for the extension or improvement of the representation of this colony, under the Act of Parliament, 5 & 6 Victoria, cap. 76."

The chief points submitted to the Committee were:

1. The propriety of extending the Elective Franchise to leaseholders of land.

2. The proposed extension of franchise to squatters, or persons licensed to depasture sheep and cattle on Crown lands; and

3. The representation of Sydney and the colony generally.

The Committee, after considering a large body of evidence, both written and oral, decided on recommending that leaseholders of and at a rental of £20 per annum, should be entitled to vote; that, referring to the prospect of some permanence of tenure being conceded to the squatters, the franchise should be extended to every squatter possessed of 200 cattle, or 1000 sheep; and that four additional members should be returned for Sydney, and one for Melbourne, two additional members for the county of Cumberland, and an additional member for each of the counties of Camden, Durham, and Northumberland.*

* The total population of the colony in 1841, was 130,856; the constituency at present appears from the following table:—

	Electors.		Members.
Sydney	2823	returning	2
Cumberland county . .	1344	„	2
Camden county . . .	386	„	1
Northumberland county	369	„	1
Durham county . . .	345	„	1
Melbourne	591	„	1
.	5858		8
Eleven other districts .	2619		16
Total . .	8477		24

"The numerical amount of the constituency that returns the eight members for the six districts is thus more than double that of the eleven remaining districts that return the other sixteen; the eight members being returned

4. CIRCULAR QUAY WHARFAGE BILL COMMITTEE.

The object of this Committee was, to consider the details of " A Bill to make further provision for the payment of Wharfage Rates." A new quay has recently been constructed at the head of Sydney Cove, called the Circular Quay, from which government propose to derive a considerable revenue, by admitting vessels to the use of it, at a lower rate of wharfage, than has been charged by proprietors of private wharfs. The recommendations of the Committee referred merely to regulations for the use of the public wharfs, and of the shed which has been erected on the Circuar Quay.

5. GENERAL GRIEVANCES' COMMITTEE.

On the motion of Mr. Wentworth, a Select Committee of ten members was appointed " to enquire into and Report upon all Grievances connected with the lands of the territory."

These grievances the Committee reduced to six heads, viz. :—

1. The Civil List.
2. The newly established District Councils.

at the rate of 732¼ electors, and the remaining sixteen at the rate of only 163⅔ electors, for each representative."—*Report of Committee on Franchise and Representation.*

3. Want of responsible Government.
4. Police and Goals.
5. Want of legal remedy against the Crown.
6. Tenure of Office of the Judges.

1. The Civil List is imposed on the colony by the schedules annexed to the 5th and 6th Vict. c. 76. So long as no representative legislature existed in the colony, the application of the revenue was necessarily fixed in some respects by the Crown; but the representative element having been admitted into the Constitution, the colonists now consider that they have a right, not only to the disposal in detail of the sums enumerated in the schedules, but also to claim the cession of the Crown revenues, which, in every similar case, has been at once made. They consider that the power of appropriation is, by the principles of the British Constitution, vested only in the representatives of the people. An attempt was, indeed, made by the 6 Geo. III. cap. 12. sec. 1., to except the American colonies from the operation of this principle; but the revolt of those colonies convinced the British Parliament that such an exception was unjust and unconstitutional; and the attempt to enforce it was explicitly condemned by the Declaratory Act (18 Geo. III. cap. 12. sec. 1.), which has properly been designated "the Magna Charta of Colonial Representative Rights."

It is not to be wondered, therefore, that the

colonists should consider the Civil List of £81,600, imposed on them by those schedules, as a great Constitutional Grievance, nor that they should remonstrate strongly against an impost so enormous, and for which they have received no equivalent.

2nd. With respect to the District Councils, the opinion of the Council will have been sufficiently gathered from the fact already recorded, that they declined to entertain a Bill submitted to them by his Excellency, for the purpose of explaining and extending the powers of those Councils. As these Councils, however, occupy a very prominent place in the Constitution Act, it may be proper to give an outline of the grounds on which they have been considered so very objectionable by the colonists. The evidence of Alexander Berry, Esq. contains such an outline, and exhibits, in a forcible manner, the very censurable plan of adopting untried theories on the mere suggestion of persons utterly destitute of local experience. Mr. Berry is one of the oldest settlers in the colony, holding forty thousand acres of land, and has devoted the whole of his time to the consideration of the best means of promoting the interests of the colony. He is a non-elective Member of the Legislative Council. With reference, then, to the District Councils, Mr. Berry states:—" I consider them utterly unfitted to the colony; moreover, I do not consider them fitted to the circumstances of any country whatever; they have never been tried, and have never existed any-

where, being a new theory; . . . they would ruin every great landed proprietor in the country, every one in succession; those they did not ruin entirely, if there were any such, would be rendered so uncomfortable, that they would wish to leave the country; and, moreover, no other person would purchase an acre of land in New South Wales."

"Do you not conceive that any taxation that may be imposed upon land under the Act by which those District Councils are constituted will, in fact, lead to the resumption of the land?"—"Unquestionably; and Lord Sydenham boasted, with reference to a similar measure adopted in Canada, that such was the intention...... I should have no objection to assist them (government) with local taxation, upon a proper principle, in making roads and bridges, but not through government land; nor should I be willing for the funds raised in one part of a district to be employed at the other end, where the parties taxed had no interest. Local taxation should be for local purposes only. In the case of the Bathurst road, there are about ten settlers, who would have to keep up about one hundred miles of road."

"As a matter of fact, is there any other colony of the Crown so heavily taxed as this?"—"I have in my hand a paper, extracted from the Colonial Magazine for 1842, p. 244, in which there is an abstract of the Revenue and Population of nine British colonies, showing the comparative taxation

of the population per head . . . . .* The cost of the machinery of this Bill would amount to more than the entire general taxation of Canada."

"You think any further direct local taxation will be impracticable?"—"Yes, the people are so heavily taxed already."

3rd. The want of responsible government is an evil which is more or less felt in all colonies. No legal responsibility attaches to the Members of the Executive Council for any advice they may give his Excellency, however mischievous may be the measures adopted in consequence. The establishment of some Colonial Tribunal of Impeachment seems necessary to the right management of public affairs.

* The following is the Table alluded to by Mr. Berry. Though not expressly mentioned, it is obvious that the calculations are taken from the year 1840, in which year the Land Fund alone of New South Wales amounted to upwards of £300,000. Since that time the population has increased, and the revenue diminished, the average per head for 1843 being £1. 15*s*. 6½*d*, an average, however, considerably exceeding that of any other colony.

British Colonies.	Revenue.	Population.	Average taxation per head		
	£.		£	s	d.
Newfoundland	30,000	75,000	0	9	7
Barbadoes	42,000	100,000	0	8	5
Nova Scotia	60,000	150,000	0	8	0
New Brunswick	100,000	124,000	0	16	8
Upper Canada	120,000	410,000	0	5	10
Lower Canada	150,000	605,000	0	5	0
Jamaica	500,000	361,500	1	7	8
Cape of Good Hope . .	150,000	100,000	0	18	0
New South Wales .	**650,000**	**90,000**	**7**	**4**	**5**

4th. The question of Police and Gaol Expenditure has already been explained.

5th & 6th. The want of any legal remedy against the Crown, and the insecure tenure of office held by the Judges, are evils so obvious, as to require not a single remark.

6. EDUCATION COMMITTEE.

On the motion of Mr. Lowe, a Select Committee was appointed on the 21st June, "to inquire into, and report upon the State of Education in this Colony, and to devise the means of placing the Education of youth upon a basis suited to the wants and wishes of the community." As a future chapter of this work is devoted to the important subject of Colonial Education, it is unnecessary to anticipate the proper business of that chapter. It may be proper, however, here to state, that the Committee suggested to the Council the propriety of introducing that system of Education, commonly called the Irish system, into the colony. The resolution affirming the propriety of such a measure, was carried by a majority of one. In consideration of this circumstance, and of the great number of Petitions presented to the Council against the proposed system, his Excellency declined to recommend the appropriation of any public moneys to that object.

7. PRIVILEGE COMMITTEE.

The Committee was appointed on the 3rd July, in consequence of the receipt by Robert Lowe, Esq., M.C., of a letter which Mr. Alderman Macdermott sent by a friend, requesting an explanation of an expression used by Mr. Lowe in a debate in Council, referring to Mr. Macdermott. Mr. Lowe considering himself privileged, as a member of a Legislative Assembly, from accounting to any one for the language which he used, refused to give the required explanation; on which Mr. Macdermott sent two friends to demand an apology, or to propose ulterior measures. Mr. Lowe declined either to make the apology, or to accept the alternative suggested, but made affidavit of the attempt to provoke him to a breach of the peace, and Mr. Macdermott and the other gentlemen were accordingly bound over. Mr. Lowe, however, thought it his duty to state the circumstances to the Council, and the question was referred to a Select Committee, who recommended that the Attorney-General be requested to move the Supreme Court for leave to file a criminal information against the parties guilty of the breach of privilege; and further, that a Bill should be passed, defining the powers of the Council, so as to prevent the recurrence of similar unpleasant cases.

8. MARRIAGE BILLS' COMMITTEE.

Two Bills were introduced by Mr. Cowper, on the 1st August, and having been read a first time, were referred to a Select Committee. The objects contemplated by the two Bills were, the prevention of Clandestine Marriages, and the securing an effectual Registration of Births, Marriages and Deaths. After taking some preliminary evidence, the Committee decided on recommending the postponement of both Bills till next Session.

9. DISTRESSED LABOURERS' COMMITTEE.

As the distress among the labouring class, which in the former Session excited the attention of the Council, continued to prevail to a great extent, a Select Committee was again appointed to investigate the actual amount of unemployed labourers. The Council, in pursuance of the recommendation of the Committee, passed resolutions to the effect, that, in the opinion of the Council, the most desirable mode of providing employment for the distressed labourers would be the construction of bridges in the interior, and suggesting the appropriation of a sum of money for that purpose, which might be repaid to government by a toll or pontage.

10. COLONIAL SPIRITS' EXPORTATION BILL COMMITTEE.

A Bill, to enable Colonial distilled spirits to be exported under certain regulations, was referred to this Committee, who, after taking evidence, recommended the passing of the measure. It was accordingly passed by the Council; but his Excellency, conceiving probably that the Bill would be viewed unfavourably by British exporters, withheld the Royal Assent.

11. PUBLIC WORKS' COMMITTEE.

This Committee was appointed to inquire into the expense of public works. Formerly these had been executed by contract, but since the commencement of the distress among the labouring classes, a method had been adopted of employing labourers under the supervision of the Colonial Architect, without the intervention of a contractor. The wages paid by government were only twelve shillings a week for labourers, and fifteen and eighteen for mechanics, yet it appeared from the evidence of competent architects, that, in the case of the New Custom House in Sydney alone, the public had suffered a loss, and that the work would have been done better, and more cheerfully by contract. It appeared also that government

had, in many instances, been imposed upon; and for these reasons the Committee recommended the resumption of the former system, and also an inquiry by his Excellency into the cases of deception disclosed by the witnesses examined.

12. COURTS OF REQUESTS' AMENDMENT BILL COMMITTEE.

A Select Committee was appointed to inquire into the working of the Courts of Requests' Act, since the jurisdiction of the Sydney Court had been extended to cases of £30. While the Committee were proceeding with their investigations, however, a letter of the Judges of the Supreme Court to his Excellency, the Governor, was laid on the table of the Council, which arrested their progress, and induced them to recommend a postponement of the measure till the next Session.

13. BANK OF AUSTRALIA SHARES' BILL COMMITTEE.

A Bill was introduced into the Council by Mr. Wentworth, to enable the Bank of Australia to dispose of certain real and personal property in New South Wales, in certain shares, *by lot.* From the depreciation of property, to which allusion has been so frequently made, the Bank had become unable to realize sufficient to meet their liabilities. The property, in fact, was so

large, and the rate which could be expected to be obtained in the present state of things was so small, that their operations as a Bank had been entirely suspended, and nothing but the entire ruin of the shareholders could be the result, if some measure of relief were not adopted.*

* An extract or two from the evidence taken before the Committee to whom the Bill was referred, will render the matter more intelligible.

1. *By the Chairman.*—"Are you prepared to state the amount of debts and liabilities that you speak of generally as 'the large amount' that the bank has incurred; what is the amount of debts and liabilities here referred to?"—"The claims upon the bank amount to between £230,000 and £240,000."

"I think you stated to the Committee that you consider the landed property you possess, worth about £75,000?"—"From £70,000 to £100,000."

By Dr. Nicholson.—"You stated, I think, that you have £30,000 of good bills?"—"About £35,000." (Besides this, the Bank holds stock to the value of £6000, and has an interest in steam-boats to the extent of £5000.)

"That would make the whole amount of assets £115,000, and the gross amount of claims against you is two hundred and thirty odd thousand pounds, so that in point of fact the actual deficit is upwards of £115,000?" "About 10*s.* in the pound."—*Evidence of John Walker, Esq., Secretary to the Bank.*

2. "You are aware, I presume, of the nature of the different properties held by the Bank, which it is proposed to divide?"—"I am."

"Have you considered whether there is any manner in which those properties may be divided, other than by lot?"—"I have, after a great deal of investigation, arrived at the

It is unnecessary to say, that the Bill referred to this Committee excited the greatest interest in

conclusion, that it would be quite impossible in the present depressed state of the market to effect sales; I have known many instances, in which properties forced into the market were sold at prices completely inadequate, and I believe if a forced sale should be attempted of the large properties held by the Bank of Australia, it would be impossible to find purchasers; at this time I know an instance of property offered for sale at fourteen hundred pounds, the buildings upon which, I have heard, and believe cost four thousand pounds, and the ground two thousand pounds more."

"If the properties of the bank were divided among the proprietors, could any other mode, from the nature of the properties, be adopted than by lot?"—"I know of no other way; I am convinced that parties apprehensive of the consequences likely to result from their being proprietors would not purchase the properties on any terms."

By the Attorney-General.—"Do you think if a spirit of gambling speculation were to start up again, it would be a great public calamity?"—"I do."

"Do you not think this scheme is calculated to promote that?"—"I do not, and even if the relief sought for were dangerous, any indulgence granted would be under observation and control; in some cases poison may be beneficially used."

By Dr. Nicholson.—"Alcohol may be beneficial to a dying man?"—"No doubt of it."—*Evidence of James Norton, Esq., late Chairman of the Bank.*

3. "Have you seen the Bill proposed to be introduced for the division of the property held by the bank?"—"I have read it, but not very carefully."

"Do you see any objection in point of principle to the plan?"—"I think a lottery is a very objectionable way of raising money, when we have an alternative; I would never

the public mind; but notwithstanding the strong facts and opinions brought out in evidence, his Excellency, the Governor, was advised to reserve the Act for her Majesty's pleasure.*

SESSION 1844. ACTS.

The more important Bills of the last Session were referred to Select Committees, and have received notice under the previous head. A brief remark on one or two of the others is all that will be necessary to complete this section.

LAW OF EVIDENCE ACT.

(8 *Victoria. No.* 1.)

In a small community like that of New South Wales, the inquiry after Truth in Courts of Justice was often obstructed by incapacities created by the existing law, whereby parties, by reason of crime, or of some interest in the matter at issue, were precluded from giving evidence. The present Act permits any person, thus formerly incapacitated, to appear as a witness, a precise statement

raise money by lottery when I could do so by a fair and legitimate tax; but when it is the only means, I see no insuperable objection to a lottery."—*Evidence of Robert Lowe, Esq., Barrister-at-Law.*

of the circumstances under which the witness appears being made, and being taken to affect his credit, as may be decided according to the merits of each particular case. The parties in a suit, or their husbands or wives, are still, however excluded.

APPRENTICES' ACT.

(8 *Victoria. No.* 2.)

This useful Act has placed the law relating to Apprentices in New South Wales on a much more satisfactory footing. Masters may now bring before two Justices of the Peace their refractory Apprentices, and on their making oath as to any breach of duty, the Justices may punish the offender by three days' solitary confinement. Male apprentices, under fourteen years of age, however, and all female apprentices, are exempt from this species of punishment. To protect the apprentice, on the other hand, Justices are authorized to hear complaints, and if satisfied that the Master is ill-treating, or not duly instructing his Apprentice, may impose a fine of Ten Pounds, to be applied for the benefit of the Apprentice, or may, even, if necessary, cancel the indentures. The articled Clerks of Attorneys or Solicitors, or the Apprentices of persons engaged in any professional or scientific pursuit, or Apprentices for whom a greater premium than £30 has been

paid, are exempt from the operation of this Act; and any parties may, in drawing an indenture, insert a clause exempting themselves mutually from the operation of this Act.

RESERVED ACTS.

Besides the Bank of Australia Shares' Act, the nature of which has already been explained, a short Act passed the Council at an early period of the Session, fixing the Salary of future Governors of New South Wales at £4,000 per annum, on which his Excellency declined expressing any opinion.

Another reserved Act was of much greater consequence. It was entitled, "An Act to regulate the rate of Interest on Money." The Act was only proposed to be continued for two years, and would have formed a singular experiment in this colony, where almost every rate of Interest has been exacted, no regulation protecting the needy borrower from the avarice of the lender. The Act proposes to fix the rate of Interest at eight per cent.

On the 30th of December, his Excellency, the Governor, prorogued the Council in person. Previously to his Excellency's arrival at the Council Chamber, the Speaker reported: That of the twenty-four Bills passed by the Council during

the Session, eighteen had been assented to; three had been reserved for the notification of her Majesty's pleasure thereon, and from the remaining three, the royal assent had been withheld. The announcements of the reservation of the Bank of Australia Shares' Bill, and of the Interest Bill, respectively, were received with visible dissatisfaction; and this feeling was manifested openly by one or two members, who left the Chamber immediately on the announcements being made.

His Excellency having arrived at the Council Chamber, concluded the business of the Session with the subjoined speech, which is given entire, as the tone of the whole, and the expressions of the last paragraph have been very severely animadverted on by the opponents of his Excellency's administration:

"Mr. Speaker and Gentlemen,

"I am happy in being able at length to bring this protracted session to a close, and to release you from further attendance.

"As you have, Gentlemen, declined to take into consideration the Estimates, which early in the session I laid before you for the administration of Justice in the year which is now ensuing, I have only to express my hope, that the funds which the Law had previously placed at my disposal may be found sufficient to keep open the ordinary tribunals of the colony;—the resources which are within

my reach, I shall rigorously devote to the purposes to which they are applicable; but I shall not suffer myself to exceed in any manner the authority which I constitutionally hold, nor to set aside the instructions of her Majesty.

"The supplies which you have granted for other branches of the public service, I shall expend with the utmost regard to economy.

"I am happy to be able to congratulate you on the marked improvement which has recently manifested itself in the general condition of the colony. The rise which has taken place in England in the value of our chief staple, has had a very cheering influence on the whole community, and, by the blessing of Providence, we continue to enjoy the most abundant seasons.

"Gentlemen, you have, in the latter part of the present session, entrusted to my care various addresses to her most gracious Majesty, praying for extensive alterations in the Constitution, which it pleased her Majesty and Parliament very recently to grant to this portion of her dominions; these addresses I shall take the earliest opportunity of transmitting to her Majesty's principal Secretary of State for the Colonies, in order that they may be presented to her Majesty; and they will, I have no doubt, receive her Majesty's most attentive consideration.

"Many months must, however, necessarily elapse before her Majesty's replies to these addresses

can be received in the colony; and I consequently consider it my duty openly to declare my opinion that many of the demands of the Council are such as never will be granted,—such, indeed, as never can be granted, unless it be the pleasure of her Majesty and Parliament fundamentally and entirely to alter the relations on which this country now stands to the British empire."

Thus terminated the Session of 1844.

CHAPTER II.

STATISTICS.

In this chapter we propose to introduce a few Statistical Tables, which could not be conveniently placed elsewhere. The facts presented by these tables will be of vast importance, and will prove, more eloquently than several pages of speculative reasoning, the inexhaustible nature of our resources, which are as yet but beginning to be opened up. The first and most important subject to be noticed is:—

I. POPULATION.

Within twenty-five years, five censuses have been taken of the population of New South Wales; viz.: in the years 1821, 1828, 1833, 1836, and 1841. There is considerable difficulty in comparing these censuses with each other, as they were not all conducted on the same principle, and did not all enumerate the same particulars. The last census, however, taken on the 2nd of March, 1841, contains most ample information. An

abstract of it will, therefore, be presented. We shall confine ourselves to the three heads of Age, Civil Condition, and Religion.

TABLE I.

POPULATION OF NEW SOUTH WALES ACCORDING TO AGE.

1841.

Ages.	Males.	Females.	Totals.
Under two years	3,707	3,967	7,674
Two and under seven	6,633	6,581	13,214
Seven and under fourteen	6,306	5,864	12,170
Fourteen and under twenty-one	6,045	4,882	10,927
Twenty-one and under forty-five	53,381	19,513	72,894
Forty-five and under sixty	7,212	2,175	9,387
Sixty and upwards	1,884	576	2,460
General Totals	85,168	43,558	128,726

In the above Table are not calculated a floating population of 2,130 men and boys employed in colonial shipping. If these be added, the number of males becomes 87,298, and the total population 130,856.

From the Table, however, it appears that the proportion of females to males throughout the colony is as 51·1436 to 100. The disproportion is chiefly observable in the four last periods, the persons enumerated in which are chiefly immigrants, free and bond, but more especially the latter, as, while the numbers of males transported to the colony, from its foundation in 1787 to the discontinuance of transportation in 1840, was 51,082, the whole number of females transported

was only 8,706; the females being to the males in the proportion of 17 to 100.

Mr. Mansfield, in his able pamphlet on the Census of 1841, gives the following Table, showing the comparative deficiency of females among three classes of the inhabitants at that time.—*Vide Analytical View, p.* 13.

Class.	Males.	Females.	Totals.	Deficiency of females
Born in the colony . . .	14,819	14,630	29,449	189
Immigrants	30,745	22,158	52,903	8,587
Persons transported . . .	39,604	6,770	46,374	32,834
Totals	85,168	43,558	128,726	41,610

Let the total of this deficiency of females be represented by 1,000, and the respective parts of the several classes will be as follows:—

	Parts of 1000.
Born in the colony	5
Immigrants	206
Persons transported.	789
	1000

From these facts, Mr. Mansfield endeavours to draw a sweeping condemnation of the transportation system; he ought, however, to have restricted his censures to the injudicious manner in which it was conducted in former years.

TABLE II.

POPULATION OF NEW SOUTH WALES ACCORDING TO CIVIL CONDITION. 1841.

Condition.	Males.	Females.	Totals.	
FREE.				
Born in the colony	14,819	14,622	29,441	Total free, 101,741
Arrived free	30,745	22,158	52,903	
Freed persons	15,760	3,637	19,397	
BOND.				
Holding tickets of leave	5,843	316	6,159	Total bond, 26,985.
In government employment	6,658	979	7,637	
In private assignment	11,343	1,846	13,189	
Totals	85,168	43,558	128,726	

From this Table it appears that the proportion of bond to free throughout the colony was, in 1841, as 100 to 377. In 1821 there were only 116 free to 100 bond; in 1828 the proportion was 134 to 100; in 1833, 148 to 100; in 1836, 177 to 100. There can be no doubt that the proportion must now (1844) be much greater, both from the influx of immigrants on the one hand, and the discontinuance of transportation on the other.

TABLE III.

POPULATION OF NEW SOUTH WALES ACCORDING TO RELIGION. 1841.

Religion.	Number of persons.	Proportion in each 1000 of the whole.
Church of England	73,727	572.7
Church of Scotland	13,153	102.1
Wesleyan Methodists	3,236	25.2
Other Protestant dissenters	1,857	14.4
Church of Rome	35,690	277.2
Jews	856	6.7
Mahomedans and Pagans	207	1.7
Total	128,726	1000

Mr. Mansfield thus states the proportion of the Church of England to each of the other religions.—*Vide Analytical View*, p. 21.

Church of England.		
560	to 100 of	Church of Scotland.
404	to 100 of	All other Protestants.
206	to 100 of	Roman Catholics.
136	to 100 of	All other Christians.
134	to 100 of	All other Religions.

To the foregoing Tables it is only necessary to append the following Return of the increase and decrease of the Population up to the 31st of December, 1843. The Returns for 1844 have not yet been received.

RETURN OF THE INCREASE AND DECREASE OF THE POPULATION OF NEW SOUTH WALES, (INCLUDING THE DISTRICT OF PORT PHILLIP), FROM 1ST JANUARY TO 31ST DECEMBER, 1843; AND OF THE TOTAL NUMBER ON THE LATTER DATE.

	ADULTS.				CHILDREN.				Total.	General Total.
	Male.		Female.		Male.		Female.			
Increase by immigration	3,611		996		453		433		5,493	
„ by *births	..		..		3,689		3,493		7,182	
Total increase	..	3,611	..	996	..	4,142	..	3,926	..	12,675
Decrease by *deaths	834		344		612		503		2,293	
„ departure	3,158		940		327		305		4,730	
Total decrease	..	3,992	..	1,284	..	939	..	808	..	7,023
Net decrease of adults	..	381	..	288						
Net increase of children	.. ..	..	.. ..	..	..	3,203	..	3,118	..	5,652
Population on 31st Dec. 1842	..	76,528	..	35,762	..	23,979	..	23,620	..	159,889
Population on 31st Dec. 1843	..	76,147	..	35,474	..	27,182	..	26,738	..	165,541

Colonial Secretary's Office,
Sydney, 1st June, 1844.

E. DEAS THOMSON,
Colonial Secretary.

* The Returns of Births and Deaths having been rendered only to the 30th of September, 1843, the number for the last quarter of that year has been taken at the average of the three previous quarters.

The following little Table may also be useful, showing the progressive increase of the population for the ten years, commencing 1834, and ending 1843, and showing an average annual rate of increase of 9932.9.

YEARS.	ADULTS.		CHILDREN.	TOTAL FOR EACH YEAR.
	Male.	Female.		
1834	42,008	12,065	12,139	66,212
1835	45,259	12,647	13,686	71,592
1836	48,375	14,550	14,171	77,096
1837	52,099	15,918	17,250	85,267
1838	57,485	18,000	22,427	97,912
1839	63,784	21,998	28,604	114,386
1840	70,021	25,476	33,966	129,463
1841	75,474	33,546	40,649	149,669
1842	76,528	35,762	47,599	159,889
1843	76,147	35,474	53,920	165,541

From four to five thousand immigrants arrived during the year 1844, and these, with the natural increase of the year, will cause the population to amount to nearly 180,000*.

II. SHIPPING (INWARDS).

NUMBER AND TONNAGE OF VESSELS ENTERED INWARDS, IN THE COLONY OF NEW SOUTH WALES (INCLUDING PORT PHILLIP) FROM THE YEAR 1834 to 1843 INCLUSIVE.

Year.	No. of Vessels.	Tonnage.
1834	245	58,532
1835	260	63,019
1836	269	65,415
1837	400	80,114
1838	428	91,777
1839	560	135,474
1840	709	178,958
1841	714	183,778
1842	628	143,921
1843	558	110,864

The Returns for 1844 have only been completed so far as Sydney is concerned. The number of vessels is 289; tonnage, 68,919.

* For return of the Increase and Decrease of Population to 31st December, 1844, see Appendix.

III. SHIPPING (OUTWARDS).

NUMBER AND TONNAGE OF VESSELS ENTERED OUTWARDS, IN THE COLONY OF NEW SOUTH WALES, FROM THE YEAR 1834 TO 1843 INCLUSIVE.

Year.	No. of Vessels.	Tonnage.
1834	220	53,373
1835	269	66,964
1836	264	62,834
1837	402	78,020
1838	409	93,004
1839	548	124,776
1840	665	163,704
1841	690	172,118
1842	633	134,970
1843	564	110,026

The Returns for 1844 have not been completed.

IV. COIN IN THE BANKS.

		£.	s.	d.
Dec. 31st.	1840	309,529	15	0
..	1841	427,624	17	9
..	1842	442,980	4	3
..	1843	420,972	0	5
..	1844	548,923	0	1

V. IMPORTS.

RETURN OF THE VALUE OF IMPORTS INTO THE COLONY OF NEW SOUTH WALES, (INCLUDING THE DISTRICT OF PORT PHILLIP), FROM THE YEAR 1834 TO 1843 INCLUSIVE.

Year.	From Great Britain.	From British Colonies.		From South Sea Islands.	From Fisheries.	From United States.	From Foreign States.	Total.
		New Zealand.	Elsewhere					
	£.	£.	£.	£.	£.	£.	£.	£.
1834*	669,663	.. ..	124,570	.. ..	.. ..	.. ..	197,757	991,990
1835	707,138	35,542	144,824	1,420	141,823	13,902	70,161	1,114,805
1836	794,422	32,155	220,254	1,972	103,575	22,739	62,269	1,237,406
1837	807,264	45,886	257,427	1,764	80,441	9,777	97,932	1,297,491
1838	1,102,127	53,943	255,975	5,548	71,506	8,066	82,112	1,579,277
1839	1,251,969	71,709	504,828	3,863	186,212	23,093	194,697	2,236,371
1840	2,200,305	54,192	376,954	1,348	104,895	24,164	252,331	3,014,189
1841	1,837,369	45,659	286,637	24,361	87,809	35,282	200,871	2,527,988
1842	854,774	37,246	260,955	10,020	64,999	20,117	206,948	1,455,059
1843	1,034,942	15,738	211,291	22,387	42,579	12,041	211,566	1,550,544
1844†	556,879	*20,795	75,257	10,624	32,507	17,187	66,949	780,198

* The value of Imports from the South Sea Islands, New Zealand, &c., is included with that of "Foreign States."

† The Returns for this year are exclusive of Port Phillip.

VI. EXPORTS.

RETURN OF THE VALUE OF EXPORTS FROM THE COLONY OF NEW SOUTH WALES, (INCLUDING THE DISTRICT OF PORT PHILLIP), FROM THE YEAR 1834 TO 1843 INCLUSIVE.

Year.	To Great Britain.	To British Colonies.		To South Sea Islands.	To Fisheries.	To United States.	To Foreign States.	Total.
		New Zealand.	Elsewhere					
	£.	£.	£.	£.	£.	£.	£.	£.
1834*	400,738	.. ..	128,211	.. ..	....	.. ..	58,691	587,640
1835	496,345	39,984	83,108	2,696	38,445	18,594	3,011	682,193
1836	513,976	36,184	136,596	9,628	85,918	13,6[illegible]7	2,625	748,624
1837	518,951	39,528	118,447	485	54,434	10,617	17,592	760,054
1838	584,154	46,924	113,716	7,137	33,988	11,324	6,525	802,768
1839	597,100	95,173	194,684	1,347	34,729	18,568	7,175	948,776
1840	792,494	215,486	304,724	6,621	27,864	27,885	24,618	1,399,692
1841	706,336	114,980	123,968	13,144	18,417	4,837	41,715	1,023,397
1842	685,705	131,784	166,239	8,005	22,862	17,101	40,715	1,067,411
1843	825,885	79,764	205,992	17,934	18,827	.. ..	23,918	1,172,320

* The value of Exports to the South Sea Islands, New Zealand, &c., is included with that of "Foreign States."

E. DEAS THOMSON,
Colonial Secretary.

Colonial Secretary's Office,
Sydney, 1st June, 1844.

The Returns for 1844 are not completed.

VII. AUCTION DUTY.

RETURN OF THE AMOUNT OF AUCTION DUTY, AT 1½ PER CENT, PAID INTO THE COLONIAL TREASURY, AND OF THE AMOUNT OF SALES SUBJECT TO THE SAID DUTY, FROM THE YEAR 1843 TO 1844 INCLUSIVE.

Years.	Amount of duty.			Amount of Sales.		
	£.	s.	d.	£	s.	d.
1834	2,327	6	10	155,156	2	2½
1835	3,135	16	2	209,053	17	9½
1836	4,697	11	5	313,171	7	9½
1837	4,820	3	11	321,346	7	9½
1838	6,137	10	1	409,166	18	10½
1839	7,700	16	5	513,388	1	1½
1840	18,701	2	10	1,246,742	15	6½
1841	14,455	9	1	963,696	18	10½
1842	10,291	6	8	686,088	17	9½
1843	6,818	9	6	454,565	0	0
Totals .	79,085	12	11	5,272,376	7	9½

The Return for 1840 shows the tremendous

shock which the colony received in that year, when property to the enormous amount of £1,246,742. 15*s.* 6½*d.* was brought to the hammer, though much of the same property had probably been purchased for more than double the amount it fetched.

VIII. EXPORT OF WOOL.

RETURN OF THE QUANTITY AND VALUE OF WOOL EXPORTED FROM THE COLONY OF NEW SOUTH WALES, FROM THE YEAR 1834 TO 1843 INCLUSIVE.

Year.	Quantity.	Value, as entered in the Return of Exports.
	lbs.	£.
1834	2,246,933	213,628
1835	3,893,927	299,587
1836	3,693,241	369,324
1837	4,448,796	332,166
1838	5,749,376	405,977
1839	7,213,584	442,504
1840	8,610,775	566,112
1841	8,390,540	517,537
1842	9,428,036	595,175
1843	12,704,899	685,647

Notwithstanding the commercial depression which the colony has suffered during the last three or four years, it is peculiarly gratifying to perceive that the export of our staple commodity has been steadily increasing, the value for 1843 exceeding that for 1842 by £90,472. The Returns for 1844 have not yet been made up.

IX. EXPORT OF TALLOW.

RETURN OF THE QUANTITY AND VALUE OF TALLOW EXPORTED FROM THE COLONY OF NEW SOUTH WALES, DURING THE YEAR 1843.

Quantity.				Value as entered in the Return of Exports.
cwts.	qrs.	lbs.		£.
5,680	2	36	. . . . .	9,632

The Returns for 1844 are not complete.

X. EXPORT OF OIL.

RETURN OF THE QUANTITY AND VALUE OF OIL, &c., EXPORTED FROM THE COLONY OF NEW SOUTH WALES, FROM THE YEAR 1834 TO 1843 INCLUSIVE.

Year.	Sperm Whale.	Black Whale.	Whalebone.		Seal Skins.	Value, as entered in the Return of Exports.
	tuns.	tuns.	tons.	cwt..	number.	£.
1834	2,760	975	43	15	890	157,334
1835	2,898	1,159	112	0	641	180,349
1836	1,682	1,149	79	0	386	140,220
1837	2,559	1,565	77	8	107	183,122
1838	1,891	3,055	174	0	3 cases.	107,644
1839	1,578	1,229	134	14	7 cases.	172,315
1840	1,854	4,297	250	0	474	224,144
1841	1,545	1,018	84	13	41	127,470
1842	957	1,171	60	5	162	77,012
1843	1,115	190	22	8	....	72,877

XI. EXPORT OF TIMBER.

RETURN OF THE QUANTITY AND VALUE OF TIMBER EXPORTED FROM THE COLONY OF NEW SOUTH WALES, FROM THE YEAR 1834 TO 1843 INCLUSIVE.

Year.	Cedar.	Blue Gum, Pine, and other timber.	Treenails.	Value as entered in the Return of Exports.
	Quantity. (Superficial feet.)	Quantity. (Superficial feet.)	Number.	£.
1834	899,492	30,065	212,467	7,941
1835	907,921	145,628	178,969	10,489
1836	1,409,467	3,778 feet and 106 logs	35,094	14,611
1837	116,828	18,828	62,989	14,463
1838	699,066	9,000	73,450	6,382
1839	729,001	823 deals 15 logs	40,588	8,815
1840	1,250,786	151,500	4,350	20,971
1841	513,139	1,000	26,890	7,004
1842	522,882	27,404	55,644	5,800
1843	944,121	10,020 30 logs	155,294	9,813

XII. VESSELS REGISTERED.

RETURN OF THE NUMBER OF VESSELS BUILT AND REGISTERED IN THE COLONY OF NEW SOUTH WALES, INCLUDING THE DISTRICT OF PORT PHILLIP, FROM THE YEAR 1834 TO 1843 INCLUSIVE.

Year.	Vessels built.		Vessels registered.	
	Number.	Tons.	Number.	Tons.
1834	9	376	19	1,852
1835	7	303	21	2,267
1836	9	301	39	4,560
1837	17	760	36	3,602
1838	20	808	41	6,229
1839	12	773	79	10,862
1840	18	1,207	98	12,426
1841	35	2,074	110	11,250
1842	26	1,357	89	9,948
1843	47	1,433	92	7,022

XIII. LIVE STOCK.

RETURN OF LIVE STOCK IN THE COLONY OF NEW SOUTH WALES, ON THE 1ST OF JANUARY, 1844.

Counties or Districts.	Description of Stock.			
	Horses.	Horned Cattle.	Pigs.	Sheep.
SYDNEY OR MIDDLE DISTRICT.	Number.	Number.	Number.	Number.
Argyle	2,304	19,833	1,819	234,782
Bathurst	2,415	20,134	421	160,977
Bligh	290	6,636	43	45,049
Brisbane	1,223	11,238	250	134,382
Camden	3,906	26,974	5,671	36,314
Cook	2,150	6,641	3,747	15,070
Cumberland	11,488	30,117	15,495	10,416
Durham	3,673	39,683	8,598	119,148
Georgiana	1,820	16,850	1,033	124,375
Gloucester	1,844	19,893	1,147	118,856
Hunter	1,074	7,579	1,594	15,909
King	507	7,029	393	68,352
Macquarie	1,000	15,327	722	13,950
Murray	1,718	16,376	974	170,765
Northumberland	4,039	30,975	6,562	42,518
Phillip	475	10,518	59	60,210
Roxburgh	630	4,725	504	37,800
St. Vincent	864	22,132	1,750	36,782
*Stanley	43	170	205	364
†Wellington	993	14,483	190	97,591
Westmoreland	806	6,897	705	46,950
	43,262	334,210	51,882	1,590,560
COMMISSIONERS' DISTRICTS WITHOUT THE BOUNDARIES OF LOCATION.				
Bligh	419	31,622	....	112,391
Clarence River	443	16,416	279	119,129
Darling Downs	352	10,974	30	133,054
Lachlan	1,738	63,927	975	138,720
Liverpool Plains	1,728	128,026	not stated.	187,064
M'Leay River	449	16,353	387	13,925
Maneroo	3,898	104,133	311	219,633
Moreton Bay	289	6,932	150	156,052
Murrumbidgee	1,487	61,289	300	208,311
New England	880	37,200	200	400,000
Wellington	794	39,078	93	173,700
	12,477	515,950	2,725	1,861,979
SOUTHERN OR PORT PHILLIP DISTRICT.				
Bourke	947	16,604	1,313	77,152
Grant	375	3,186	636	118,900
Normanby	130	1,496	191	12,380
Without the Boundaries	4,826	145,870	1,020	1,394,366
	6,278	167,156	3,160	1,602,798
General Total	62,017	1,017,316	57,767	5,055,337

* The Return for this county of 1843, included a portion of the stock in the adjoining Commissioner's district.

† The Return for this county of 1843, omitted the stock in the Police District of Wellington, no account having been rendered by the Bench.

E. DEAS THOMSON,
Colonial Secretary.

Colonial Secretary's Office,
Sydney, 1st June, 1844.

XIV. VINEYARDS.

RETURN OF THE NUMBER OF ACRES OF LAND PLANTED WITH THE GRAPE VINE, AND OF THE QUANTITY OF WINE AND BRANDY MADE FROM THE PRODUCE THEREOF, IN THE YEAR 1844.

COUNTIES.	ACRES.	WINE.	*BRANDY.
SYDNEY OR MIDDLE DISTRICT.		Gallons.	Gallons.
Argyle	Nil.	Nil.	Nil.
Bathurst	..	..	..
Bligh	2	20	..
Brisbane	71½	2,155	25
Camden	39	3,943	160
Cook	62	5,159	94
Cumberland	126	8,341	357
Durham	81	8,907	90
Georgiana	Nil.	Nil.	Nil.
Gloucester	33½	1,430	25
Hunter	13	400	Nil.
King	1½	Nil.	..
Macquarie	13	..	..
Murray	1½	..	..
Northumberland	61½	3,560	..
Phillip	1½	Nil.	..
Roxburgh	Nil.	..	..
St. Vincent	..	..	..
Stanley	1	..	..
Wellington	Nil.	..	..
Westmoreland	..	..	..
	508	33,915	751
SOUTHERN OR PORT PHILLIP DISTRICT.			
Port Phillip	4	The Vines in this District are chiefly cuttings recently planted	

* Distilled under the authority of the 39th section of the Act of the Colonial Legislature, 3 Victoria, No. 9, by the proprietors of vineyards.

E. DEAS THOMSON,
Colonial Secretary.

Colonial Secretary's Office,
Sydney, 1st June, 1844.

XV. AGRICUTURE.

RETURN, SHOWING THE QUANTITY OF LAND IN CULTIVATION, EXCLUSIVE OF GARDENS AND ORCHARDS, IN THE COLONY OF NEW SOUTH WALES, INCLUDING THE DISTRICT OF PORT PHILLIP, FROM THE YEAR 1834 TO 1843, INCLUSIVE.

Year.	CROPS.									
	Wheat.	Maize.	Barley.	Oats.	Rye.	Millet.	Potatoes.	Tobacco.	Sown Grasses, and Barley for Hay.	Total number of acres in crop.
	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.
1834	48,667	16,482	3,195	2,719	700	51	960	182	1,855	74,811
1835	47,051	20,631	2,903	2,278	599	59	1,081	321	4,133	79,256
1836	51,616	17,503	3,062	4,276	720	14	977	461	8,803	87,432
1837	59,975	18,381	2,551	3,893	493	80	1,165	533	5,054	92,125
1838	48,060	25,043	2,922	3,767	429	39	1,788	925	9,939	92,912
1839	48,401	22,026	3,490	6,793	483	46	1,115	424	12,534	95,312
1840	74,133	24,966	5,144	5,453	609	115	2,594	381	12,721	126,116
1841	58,605	25,004	5,423	5,892	495	47	4,027	380	15,257	115,130
1842	65,188	27,324	5,320	4,467	486	99	5,174	224	18,592	126,874
1843	78,083	29,061	5,727	4,537	514	42	5,872	655	21,162	145,653

Year.	PRODUCE.								
	Wheat.	Maize.	Barley.	Oats.	Rye.	Millet.	Potatoes.	Tobacco.	Hay.
	bushels.	bushels.	bushels.	bushels	bushels.	bushels.	tons.	cwt.	tons.
1834	780,700	357,601	59,731	37,182	10,840	760	about 1,050	about 1,599	4,481
1835	526,266	503,314	47,249	13,153	7,461	727	about 1,336	about 2,146	2,315
1836	884,244	390,132	60,057	23,412	10,818	18	about 1,870	about 4,145	14,853
1837	692,620	632,155	51,447	17,119	6,753	695	2,102	2,034	5,627
1838	469,140	556,268	32,103	13,416	4,878	353	3,496	4,952	6,960
1839	805,140	525,507	66,033	27,788	7,008	283	2,601	2,509	25,923
1840	1,116,814	777,947	105,389	66,020	8,863	3,338	11,050	4,300	21,329
1841	832,776	503,803	90,172	62,704	6,507	1,072	11,141	2,642	17,175
1842	854,432	590,134	88,767	84,321	4,451	1,201	12,561	2,014	18,622
1843	1,000,225	719,358	95,658	92,268	5,145	410	16,392	6,098	27,774

XVI. REVENUE.

RETURN, SHOWING THE COMPARATIVE AMOUNT OF ORDINARY AND CROWN REVENUES OF THE COLONY OF NEW SOUTH WALES, FOR THE YEARS 1843 AND 1844.

Head of Revenue.	1843.	Total.	1844.	Total.
ORDINARY REVENUE.	£. s. d.		£. s. d.	
Taxes, duties, rates &c.	274,061 1 1	.. .. ..	248,217 11 8	
Fees of public officers	28,247 5 11	.. .. ..	18,594 19 4	
Incidental receipts	3,458 5 0	.. .. ..	2,365 18 8	
		305,766 12 0		269,178 9 8
Special receipts	7,118 6 11½	.. .. ..	3,719 1 5	.. .. ..
Land and Immigration debentures	2,300 0 0	.. .. ..	75,682 0 0	.. .. ..
		9,418 6 11½		79,401 1 5
CROWN REVENUE.				
Territorial	50,287 10 3	.. .. ..	40,574 18 0	
Crown droits	7,240 5 6	.. .. ..	5,238 0 6	
		57,527 15 9		45,812 18 6
	Grand total	372,712 14 8½	Grand total	394,392 9 7

The apparent increase observable is occasioned by the sale of land and immigration debentures, to provide for the expense of the last immigrants.

CHAPTER III.

THE COLONIAL CHURCH.

THE high vocation to which Britain is called, is no less than this—to be the moral regenerator of the world. By the diffusion of her language, her literature, and her arts, she has done much to civilize nations before barbarous, and wherever her flag waves, the blessings resulting from such civilization, speedily become apparent. Once it was the pleasing dream of the poet, now it is the sober reality of fact, that on Britain's empire the sun never sets. The loyal Englishman who, in his native land on some festive day celebrated in his country's annals, has given vent to his own attachment to his Sovereign and the Constitution, if his vision were somewhat extended, and his hearing a little more acute, might see in every quarter of the globe festivities sacred to the same event, and might hear millions in every clime shouting with the full burst of patriotic zeal—"Rule Britannia!" "God save the Queen!"

And is it so? Does Britain's Queen hold this wide sway? Does Britain exercise this vast dominion? How high her responsibility! To Britain have been committed "the oracles of God," and upon her does it rest, as at once a sacred duty and a high privilege, to hallow her influence over the nations of the earth by rendering universally known and embraced "the glorious Gospel of the blessed God." To some extent she has acted up to her high commission; and having introduced our readers to some general features in Australia (surely one of the most interesting of British dependencies) we proceed to the task of disclosing the religious state of this colony, how far "the glad tidings" are known, believed and obeyed in this far off island of the south. To a Christian who voyages from England to this land, it is a circumstance which he hails with pleasure, that, after a long buffetting with winds and waves, anxiously desiring his wished for haven; upon his entrance into the magnificent harbour of Port Jackson, (a harbour for capacity and rugged beauty scarcely to be surpassed in the world), one of the first objects which attracts his delighted gaze, is the spire of our principal church. It stands on an eminence in the heart of the town, and is therefore visible from almost every point of observation. May it not raise its spire to Heaven in vain! may crowds of worshippers congregrated within its walls learn the way to Heaven, and find here the reality of those

truths which alike in every place are Man's only comfort, a State's only security. By the diffusion of "pure and undefiled religion" in this British colony, situate almost at the antipodes, may not the day be thus hastened when there shall be an exact and beautiful verification of the ancient prophecy, "All the ends of the world shall remember and turn unto the Lord; and all the kindreds of the nations shall worship before Thee."

Two bodies receive state endowment in addition to the Church of England. Of these, one is the Church of Rome. In speaking of this church, we are specially anxious to give correct particulars of its actual condition and prospect. There can be no question but there is a strong bias in the minds of a large proportion of the population in favour of this church. The abundant importation of Irish immigrants has introduced a proportionably large number of Roman Catholics of the lower class. With the exception of some few who held official situations under government, and officers of regiments occasionally stationed in Sydney, the attendance at the Roman Catholic churches is generally confined to the lower orders, but of these very large numbers are constant worshippers. The Rev. Dr. Polding, formerly Roman Catholic Bishop, visited England in November, 1840, and on his return in March, 1843, assumed the title of "Archbishop of Sydney,"—an honour conferred immediately by the Pope of Rome. A short

time after his arrival, a "pastoral letter" appeared in the Australasian Chronicle (the Romish organ of the colony) granting indulgences to the faithful "in virtue of the singular privilege conferred by his Holiness Gregory XVI." This letter was headed "John Bede, by the grace of God, and of the Holy Apostolic See, Archbishop of Sydney, Vicar Apostolic of New Holland," and addressed "To the clergy and faithful of Sydney and its environs health and benediction." The authority which Dr. Polding was anxious to claim, we may easily see to be supreme. Not content with ruling over his own flock, in which rule he had been untouched, he evidently determined to claim full supremacy, to establish the doctrine that himself was the divinely constituted ecclesiastical head, and that all others were heretics from the true faith. This was long known to be the doctrine of the Romish church, but while it was kept concealed, it was not felt necessary to oppose it; when, however, it forced itself unblushingly forward, longer to have been silent would have been a violation of sacred trust, a sacrifice of high principle. Thus felt his Lordship, the Bishop of Australia; and for the conduct which he on this occasion pursued, he is entitled to the thanks and respect of every true lover of the church. For how much also we are indebted to him we shall presently see. His Lordship feeling that to allow this assumption on the part of the Romish church would open the door

to endless encroachments, and might end ultimately in a struggle not only for supremacy, but even for existence, uttered publicly the following protest, accompanied by a circular to the clergy of his diocese. These interesting and important documents in the ecclesiastical annals of Australia, we now subjoin.

"In the name of God. Amen. By this public instrument, be it declared and made known to all, that in the year of our Lord one thousand eight hundred and forty-three, according to the course and reckoning of the Church of England, on Saturday the twenty-fifth of March, being the festival of the Annunciation of the blessed Virgin Mary, at or near the hour of eleven in the forenoon, before the commencement of the morning service for the day, in the vestry adjoining and pertaining to the Church of St. James the Apostle, in the city of Sydney, and colony of New South Wales, in the presence of me, James Norton, Notary Public, and Registrar of the Diocese of Australia, lawfully constituted according to letters patent of his late Majesty, King William the Fourth, and in presence also of the witnesses whose names are hereinafter recited, the Right Reverend Father in God, William Grant, by Divine permission, Bishop of Australia, did personally put in, and exhibit a certain written protest, and did then and there openly and publicly protest, and otherwise also did profess and do in such manner, and according as was more fully con-

tained in a certain parchment schedule which he held in his hands, and publicly read; of which schedule the purport is here inserted, and is as follows, without any addition or omission whatever.

"In the name of God. Amen. We, William Grant, by Divine permission, Bishop and ordinary Pastor of Australia, do protest publicly and explicitly, on behalf of ourselves and our successors, Bishops of Australia, and on behalf of the clergy and all the faithful of the same church and diocese, and also on behalf of William, by Divine Providence, Lord Archbishop of Canterbury, Primate of all England and Metropolitan, and his successors, that the Bishop of Rome has not any right, or authority, according to the laws of God, and the canonical order of the church, to institute any episcopal or archiepiscopal See or Sees within the limits of the Diocese of Australia, and province of Canterbury aforesaid. And we do hereby publicly, explicitly and deliberately protest against, dissent from, and contradict, any and every act of episcopal or metropolitan authority done or to be done, at any time, or by any person whatever, by virtue of any right or title derived from any assumed jurisdiction, power, superiority, pre-eminence or authority of the said Bishop of Rome, enabling him to institute any episcopal See or Sees within the diocese and province hereinbefore named."

"All and singular the foregoing acts and declarations were had and done as they are above written and recited in the year, month, day, hour and place aforesaid; then and there present (having been specially invited and summoned as witnesses on the premises) the Rev. Robert Allwood, the Rev. Henry Hodgkinson Bobart, the Rev. William Branwhite Clarke, the Rev. Thomas Steele, the Rev. Henry Tarlton Styles, and the Rev. William Horatio Walsh.

"(L. S.) Signed, JAMES NORTON,
"Registrar and Notary Public."

"We, the undersigned Presbyters, duly licensed within the diocese and jurisdiction of Australia, being present in the Church of St. James the Apostle, at Sydney, in the Diocese of Australia, and colony of New South Wales, on the festival of the Annunciation of the Blessed Virgin Mary, in the year of our Lord, one thousand eight hundred and forty-three, do hereby testify, that the Right Reverend Father in God, William Grant, Bishop of Australia, personally attending and assisting at the celebration of Divine Service, on the festival aforesaid, at the conclusion of the Nicene Creed, standing at the north side of the altar or communion table, of the said church, holding in his hands a certain parchment or schedule, did read therefrom, in our presence, and in the sight and hearing of the congregation, all that Protest hereinbefore

set forth, without any addition or diminution whatsoever.

"In witness whereof, in the year, and on the day aforesaid, in presence of each other, and before the said Right Reverend Bishop of Australia, we have hereunto set our hands and seals.

"ROBERT ATTWOOD, B.A.,
"Minister of St. James's, Sydney, Commissary.
"H. H. BOBART, M.A.,
"Minister of St. John's, Paramatta.
"W. B. CLARKE, M.A.,
"Minister of St. Simon's, Castle Hill.
"THOMAS STEELE, L.L.D.,
"Minister of St. Peter's, Cook's River.
"HENRY T. STYLES,
"Minister of St. Matthew's, Windsor.
"WILLIAM H. WALSH,
"Minister of St. Lawrence's, Sydney."

The reasons which induced his Lordship to take this step, may be further gathered from the following circular addressed to the Clergy of this Diocese.

"The Festival of the Annunciation.
"Sydney, March, 25, 1843.

"Reverend Brother.—An occasion of no ordinary importance, and of no less difficulty, constrains me to summon you to the support of the Church entrusted to our keeping; and to claim your assistance, unitedly with that of the whole body of the clergy, to guard it from harm and loss.

Subjoined to this communication you will find a declaratory Protest, which, in fulfilment of my part of the common obligation, I have promulgated in resistance to recent Acts of the See of Rome; such Acts being in breach and contravention of the canonical laws, usages, and common order, of the household of faith.

"In calling your attention to this defensive measure, I am not studious of your instruction only; but it is my desire, that, in communicating to the flock under your charge, the decision which I have formed in this matter, you will explain at the same time the necessity to which I have been reduced. You will, therefore, take care to read, in the hearing of your congregation, during the celebration of Divine Service, and at the close of the Nicene Creed, on some Sunday, or other festival which may be most convenient after the receipt hereof, all that protestation which is hereunto subjoined.

"I recommend also, that you take occasion to notify to your parishioners the just grounds upon which that instrument had been drawn up; and after full deliberation, executed, published, and placed upon record in the Registry of this Diocese, as a perpetual testimony against the attempted invasion of the See of Rome.

"To aid you in the execution of this necessary duty, I proceed to point out to you in what respect, and to what extent, the Act, against which I have

thus solemnly protested, does, by immediate and necessary consequence, infringe on our undoubted ecclesiastical rights and independence, according to the principles of that Catholic Church, to which we have never ceased to belong.

"The inference from the establishment of an Archbishopric with metropolitan privileges within the limits of the province of Canterbury must unavoidably be, that it is intended thereby to deny to the Primate of all England, any rightful possession of Metropolitan jurisdiction within the limits of the new or assumed Archbishopric. Moreover, the erection of the city of Sydney within this already existing Diocese, into an Episcopal See, amounts to a denial that there is a lawful Bishop of Australia, according to the canons and usages of the Church. These are consequences which I could not witness in silence. They may not be universally perceived, or at once admitted, but there will be no dispute concerning them among such as are conversant with the system of the church. According to its general rule, there can neither be two metropolitans of one province, nor two Bishops in the same Diocese. The one of these proceedings would involve a reversal of the Canons of the Church, the other, a contradiction of the ordinance of the Lord. The heads of the Roman Catholic Church are perfectly aware of the truth of these assertions. Their present proceeding, is, therefore, an act of direct and purposed hostility towards us, since it

could not have been adventured on by them, except they had held, and had meant thereby to proclaim their persuasion, that we have no canonical Bishop, no Catholic Church, no such administration of the Holy Sacraments among us, as shall be effectual to everlasting salvation. The favourite and governing impression with the many you will find to be, that the matters in controversy might be adjusted by a tacit compact, or mutual connivance, according to which each should pursue its own measures without interference on the other part.

"It will, therefore, be proper for me to explain to you, that we, at least, could neither propose nor accept such a compromise, which would make us parties in fact to the establishment of a permanent schism in the body of Christ's Church. It is not necessary, that I should enter very deeply into a statement of the grounds upon which we constantly proceed against the right of the Bishop of Rome to exercise jurisdiction within, or over any portion of the church beyond his own proper, actual and immediate Diocese and province; the range of which was determined by usage and canonical authority many centuries ago. But although such our denial of his supremacy be sufficiently known, yet, in order that advantage may not hereafter be taken of our silence under pretext that the present unfounded pretension to establish a metropolitan jurisdiction here, by the sole authority of the Bishop of Rome, was suffered to pass without contradic-

tion or remonstrance, I have held it my duty thus publicly to declare, in express terms, in the face of the church, that, beyond its own limits, the See of Rome possesses no right to establish bishopricks, or other offices of ecclesiastical order, in provinces of the church where they already subsist. No such prerogative, or privilege can be proved to belong to the Bishop of Rome, or to his See, either by virtue of any supposed succession or derivation from St. Peter, the first of the Apostles; or of the authority direct or indirect of Holy Scripture; or of the testimony of the early fathers; or by the decree of any general council lawfully assembled, or through the mission of St. Augustin into Britain; or by the laws and statutes of this realm; or in any other manner, or by any plea of what nature soever.

" Whatever widening of the unhappy separation which prevails, may be apprehended from the act, to which, after full and mature deliberation, I have subscribed, such a consequence, however, deplorable in itself, is not to be weighed in the balance against an apprehension of God's anger, which must fall upon us, if we should, through fear of man, engage in a weak and ineffectual attempt to maintain outward peace by surrendering the fundamental principle of Christian unity.

In my own name, therefore, as Bishop and ordinary pastor of the Diocese of Australia, and for my successors canonically entering, and in behalf

of the clergy and all the faithful within the same Church and Diocese of Australia, and also in the name and on behalf of my proper lawful superior, William, by Divine Providence, Lord Archbishop of Canterbury, Primate of all England and Metropolitan, and on behalf of his successors, I have entered my protest against the establishment of any archiepiscopal or episcopal See within this Diocese, except it be with the consent, first obtained, of the Church of England at large in convocation assembled.

" In this entire proceeding, I have confined myself most strictly to the principles of ecclesiastical antiquity, by which it is clearly to our advantage to abide; and, on behalf of the Church of England in Australia, I advance explicitly a claim to be considered the genuine representative of the early British church. It is my desire that nothing be done by us of strife, or vain glory; nothing with the design of wantonly provoking controversy, or for the mere purpose of magnifying our own pretensions. Let me hope that it will be found possible to shun both these improprieties, and the probability of it will be greater, if, while we express without disguise our views of Christian truth, we prove ourselves more sincere, more earnest, more uncorrupt, more humble-minded, exactly in proportion as we believe that God has vouchsafed to commit an ampler measure of it to our stewardship. I earnestly desire the benefit of your prayers for my support

under the present difficulties; and relying with perfect confidence on your fulfilment of this and every act of deference to your diocesan and of duty towards the church,

"I remain,

"Reverend Brother,

"Your very faithful Servant,

"WILLIAM G., Australia."

The publication of these important documents called forth no little controversy. The newspapers were filled with letters on either side of the question, pamphlets also issued from the press, and the question as to the limit of the Bishop of Rome's jurisdiction, became a matter of dispute in almost every circle. The Rev. R. Allwood, A.B., Minister of St. James's, Sydney, delivered six valuable lectures at this period, in which he proved, that neither from the declarations direct or indirect of Holy Scripture, the testimony of the early Fathers, (whose writings he examined seriatim), the decrees of ancient councils, or from any other authority could the Bishop of Rome claim jurisdiction beyond his own See. We have dwelt upon the circumstances of this controversy at some length, as we feel convinced that the agitation of the subject will be of much real good to the interests of the Church of England in Australia. It will deter from further innovations, it will establish those who were before ignorant of the true principles of Pro-

testantism in the soundness of the doctrines of our church, and we may yet live to regard it as an instance in which Providence has allowed a temporary ill for the working of a great permanent good. Thus, as in all cases, " When the enemy cometh in like a flood, the spirit of the Lord lifteth up a standard against him." The Roman Catholic community have a large and beautiful church situate in Hyde Park. Its interior is a fine specimen of colonial architecture; its altar is gorgeously bedecked with the usual accompaniments to their sacred edifices; it has a large and excellent organ, and the music is generally performed by the chief talent in Sydney. This church is always crowded, and frequently many are seen kneeling around the walls of the church on the bare ground. Auxiliaries of the "Catholic Institute," and of the "Society for the propagation of the Faith," have been established within the last few years, and hold weekly meetings on the Sabbath evening. A new cathedral is now nearly completed to be called "St. Patrick's Cathedral." It is a chaste specimen of Gothic architecture, and forms no slight ornament to that part of the town in which it is situate. It will be seen from a subjoined copy of the last census in 1841, that Roman Catholics form a considerable part of the population.

FOR THE WHOLE COLONY.

Church of England . . .	73,727
Roman Catholics	35,690
Church of Scotland . . .	13,153
Wesleyan Methodists . . .	3,236
Other Protestants	1,857
Jews	856
Mahommedans and Pagans .	207
	128,726

IN SYDNEY.

Church of England . . .	16,505
Roman Catholics	8,126
Church of Scotland . . .	3,111
Wesleyan Methodists . . .	827
Other Protestants	880
Jews	462
Mahommedans and Pagans .	62
	29,973

We do not hear of many converts to the Romish faith from other denominations of professed Christians; yet, bound together as they are, and brought into constant communion with each other, and the excitement of continual meetings tending to confirm them in their principles, they lose none of their members, nor abate any of their zeal. In

addition to Dr. Polding, they numbered twenty eight clergymen in different parts of the colony at the commencement of 1843, and since that time nearly twenty others have arrived from Europe, either in full orders, or about to take the office of the ministry upon them at an early period.

The other body receiving state endowment is the Presbyterian, numbering thirteen thousand one hundred and fifty-three, with twenty-eight regular and occasional clergymen. The usefulness of this body has been much impeded by the unhappy dissensions which have sprung up among its members. These, it is to be hoped, are gradually subsiding, and this religious community may now unostentatiously proceed in its regular course of ministration, according to those forms to which they are attached. They possess two neat churches in Sydney, where the Rev. Dr. McGarvie and the Rev. Dr. Fullerton respectively officiate.

In returning to the Church of England in this important colony, we must make especial mention of his Lordship, the Bishop of Australia. Well might this zealous Diocesan in some degree apply to himself the language of the Apostle:—"In labours more abundant, in journeyings often, in perils of waters, in perils of robbers, in perils by mine own countrymen, in perils by the heathen, in perils in the city, in perils in the wilderness, in perils on the sea, in perils among false brethren, in weariness and painfulness, in watchings often;

besides those things which are without, that which cometh upon me daily, the care of all the churches." Those who have written of the earlier state of this colony, have referred to the efforts of the present Bishop, when he was Archdeacon of Australia, this being then a part of the Diocese of Calcutta. Judge Burton, also, in his valuable work on "The Religion and Education of New South Wales," has referred to his Lordship's untiring zeal after his elevation to Episcopal honours. We may, *en passant*, recommend an attentive perusal of this volume to all who would know the religious state of our community up to the date of its issuing from the press. In this work, and in others containing the early history of the colony, deserved praise is paid to Archdeacon Scott, the venerable Marsden, Rev. Richard Hill, &c. The Rev. T. H. Scott was appointed Archdeacon in October, 1824, and by his continued and untiring labours and representations to the Home Government, did much at that time to rouse Christians at home and in the colony, to a sense of the actual religious wants of the people.

The Rev. S. Marsden, who, with a respectful affection, which is truly touching, is always termed "the *venerable* Marsden," arrived here in March, 1794; and, after visiting England, and using his best energies for the welfare of the Church, died in 1838, in a good old age, retiring, as a veteran soldier from the field, full of honour, and waiting

but to receive the crown from the Master he had served. The Bishop of Australia, in referring to him a short period after his death, says:—"his genuine piety, and natural force of understanding, I held in the highest esteem while he lived, and still retain them in sincerely affectionate remembrance."

The Rev. Richard Hill entered the colony in 1818, and laboured zealously till May 24th, 1836, when he died suddenly in the vestry of St. James's. A handsome monument is erected to his memory in the church. These and other excellent men, who "bore the burden and heat of the day," are embalmed in the affectionate memory of all those who knew them and witnessed their labours; and, although a detailed account of their exertions belongs more to the past than the present history of the Church, and is, therefore, omitted here, we could not, in respect to their memory, or in gratitude to the great head of the Church for raising up such instruments to effect His will, pass them by without this notice.

The Bishop of Australia, when in Sydney, always preaches once, more frequently twice, and on some occasions we have known him engage in three public services on the Lord's day. His tours into the country districts are frequent and laborious, often attended with considerable danger. Strong, however, in super-human strength, he proceeds on his hallowed mission, undaunted by any difficulties,

with the one object present to his thoughts and anxieties—the welfare of the Church, the glory of God. In the late Legislative Council, his Lordship laid the colonists under additional obligations. Here his talents always commanded respect, and his high character, in strict keeping with his holy functions, compelled those who differed always to admire. There was never on his part an assumption of authority, but his opinions and sentiments were always regarded with the deference due to a superior man: his rising was always a signal for attention, an attention always sustained throughout his addresses. In some Committees, especially the Immigration Committees, he rendered essential service. Especially in these last, (we quote from a speech of his Excellency Sir George Gipps) "the weight of his Lordship's opinions, the high respect in which his Lordship's character was held at home, and his acknowledged eminent talents, had given to the reports which had emanated from the Immigration Committees, an importance an an influence which they might otherwise not have had."

Having made this quotation, it is natural to refer to the occasion on which the Governor paid this compliment to the Bishop. The circumstances were these. When his Lordship was in London in 1836, he communicated to Lord Glenelg, then Secretary for the Colonies, his wish to be relieved in any future legislature from the duties attached

to a seat in the Council of the colony. Upon a Representative Legislature being granted to New South Wales, Lord Stanley, in a despatch to Sir George Gipps, dated September, 1842, thus writes: —"I own that I entertain great doubts how far it may be advantageous to the colony, and to the interests of religion, that the Bishop should continue to hold a seat in a Council, thus, in part, popularly constituted; but my sincere respect for the present Bishop, forbids my taking any steps in reference to him which should appear to intimate any slight upon him, and I am, therefore, prepared to leave this matter to his discretion, and to authorize you to appoint him to the Council or not, according to his own wish and feeling on the subject."

This having been communicated to his Lordship by Sir George, the Bishop states:—"that no reason has presented itself of sufficient weight to induce me to recede from the sentiments expressed in my letter to Lord Glenelg of the 20th of September, 1836, and repeated in conversation to your Excellency at Paramatta, soon after the beginning of the present year. I beg leave, with the utmost respect and deference, to decline the honour thus tendered by his Lordship to my acceptance;" and he more fully declared his feeling in a speech delivered by him in Council on the last day of their Session, February 23rd, 1843. After repudiating what he very justly denominated "the cant which

had been uttered upon the subject of the Bishops of the Church of England holding a seat in Parliament," he states, "that, if the duties he should be called to discharge, or the constitution of the Council itself had been virtually the same with what obtained in the House of Lords, he should be freed from his objection. His opinion he must strongly express to be, that the propriety of an ecclesiastic sitting in a legislative assembly, depended very much, or almost entirely upon the character of that assembly; or that it should be secured, as that Council had been, from that warmth and impetuosity of debate, which an elective legislative assembly must at times exhibit—indeed, he could go so far as to say, which within due bounds it even *ought* to exhibit; consequently, a person in his station, sitting in a Council of that nature, must either by his presence impose a check not desirable on freedom of speech, or he must witness and hear many things not suitable to the character he bore, or might be betrayed into altercations, or party feuds still more at variance with it. As matters stood here, he felt that if there were weakness or danger attending the cause of the Church, they must be met and removed by the members of the Church acquiring a truer acquaintance with its principles, and, by their manifesting their earnest adherence to them, rather than by any support which could be afforded by him holding a seat in the Legislative Council."

To the well-deserved eulogy which his Excel-

lency Sir George Gipps, on this occasion passed upon his Lordship, we have already referred. The Attorney-General (a Roman Catholic) in moving that the documents be printed, "was sure that he only echoed the wishes of the whole Council, who, together with the public at large, must respond to the expressions which had fallen from his Excellency respecting his Lordship, the Bishop, and 'unite with him in reverence for his character, and admiration of his high talents." Messrs. James and H. McArthur expressed similar sentiments, and the Attorney-General's motion was carried unanimously. Thus our excellent Diocesan has "good report of all men, and of the truth itself."

There are four Churches in Sydney, and at present one temporary place of worship. The Cathedral Church (pro tempore) is St. James's, capable of seating above fifteen hundred persons. Public service is held here three times on the Sabbath, and on all the fasts and festivals of our Church. Morning and evening prayers are also said every day. The service is performed in the spirit-stirring manner of the English Cathedrals.* In the morning, the Church is generally crowded, sometimes strangers are unable to find accommodation. The Governor and family (when in town), the

* The prayers, however, are not intoned, and metrical Psalmody has been introduced. The Litany also is said in the reading-desk, instead of at a faldstool, and the suffrages are not chaunted.

Commander of the Forces, the Chief Justice, and the highest colonial officers attend constantly. A gallery is also set apart for the convicts in Hyde Park Barracks, which are situate near the Church, and it has sometimes struck us that, if any thing can touch the hearts of these unhappy men, (and who shall say nothing can?) it must be when in this land of their expatriation, weekly as the Sabbath returns, they hear all classes of the community in the great congregation joining in the beautiful prayer of our inimitable Liturgy: — "That it may please Thee to show Thy pity upon all prisoners and captives." In the afternoon, the congregation is considerably less; in the evening the Church is always well attended. Judge Burton, in the work to which we have already referred, averages the three attendances thus: morning service, twelve hundred; afternoon, five hundred; evening, four hundred. At the present time, we should consider this to be nearer the truth:—morning service, fourteen hundred; afternoon, five hundred; evening, one thousand, in every case exclusive of the schools. The communion is celebrated every Sunday. It is difficult to estimate the precise number of communicants, as from the weekly observance of this sacred rite of our Holy Religion, the numbers are very variable. We may, however, regard them as being from one hundred and fifty to two hundred. We must not part from St. James's without passing a deserved eulogy on the minister of this Church,

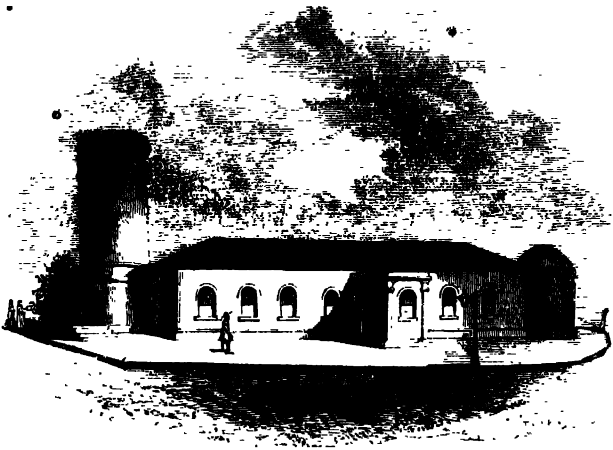
the Rev. R. Allwood, B.A., whose zealous labours and high character have insured for him universal respect. His pulpit talents are of no mean order, his doctrine clear and Scriptural, enforced by practical appeals to the consciences of his hearers.

He is assisted in his labours by the Rev. C. C. Kemp, a "literate," who has been ordained to the office of priest by the Bishop of Australia. It will be seen that the congregation in the afternoon is made to be little more than one third of the morning attendance. We cannot forbear expressing our strong disapprobation of the practice but too prevalent in Sydney of devoting the latter part of the Lord's Day to amusement and pleasure. Dinner parties, water or land excursions, and a thousand means are devised to "kill the time" of this sacred day, at least so soon as the morning service is closed. "These things ought not so to be." This is one of the evils which Englishmen, Protestant Englishmen, have but too readily copied from continental countries. We solemnly and conscientiously believe, that God prospers a nation much in proportion as his ordinances are obeyed and reverenced. He who from Sinai commanded "Remember the Sabbath day to keep it holy," excepted no part of that day, and it will not do to profess service and devotion to the great God who searches hearts and regulates motives, while the service is but half performed, while that devotion is confined

within the narrow limits of two hours a week. Well will it be if this evil receive a speedy check; we shall believe there is more "pure and undefiled religion" among us, when the sanctuary is more fully attended, not only when custom has made it fashionable, but rather when principle shall have made it binding.

In the year 1800, Governor Hunter laid the foundation stone of St. Philip's Church. Here the Rev. Dr. Cowper officiates, assisted by the Rev. John Elder. Of Dr. Cowper we can scarcely speak too highly. He arrived in the colony, August, 1808, and since that time has maintained his high character. All parties unite in admiration of his Christian zeal and holy devotion. Liberal without compromise, zealous without ostentation, he is ever about his master's business, and so engaged in his work that those who do not believe the message admire the messenger, and instances are not wanting of "fools who came to scoff," who have "remained to pray." An honorary Doctor's degree has been granted by his Grace the Archbishop of Canterbury to this excellent divine, and more honourable than that, he bears the high opinion of all classes of the community, and lives under the evident blessing of the great head of the church. Mr. Elder is a native of the colony, an alumnus of Dr. Cowper: he is zealous and sincere, and is always diligently employed in the service

of the church. There is something peculiarly interesting in St. Philip's Church. It much resembles some of our English old country churches, and it will accommodate nearly one thousand people. Here service is performed three times on



St. Philip's Church.

the Sunday to good congregations, and also on Thursday evening. The Holy Sacrament is administered monthly. The military attend this church, it being in the immediate vicinity of the barracks. There is much simplicity in the mode of conducting the service; the congregation is devout, and though there is not the outward attraction which prevails in other churches in Sydney, we have sometimes thought there is perhaps more inward devotion. Dr. Cowper has lately returned

from England, to which country he repaired for the recovery of his sight. The cure has been effected, and every well-wisher to the cause of true religion will join in the prayer, that he may long be spared to be increasingly a blessing to the church in Australia.

The parish of St. Lawrence has at present no church, but a large store has been placed at the disposal of the Bishop, by John Terry Hughes, Esq. This is, however, at present held merely on sufferance, and a handsome church is in course of erection for the parish. The Rev. W. H. Walsh is the zealous and talented minister of this parish. In his temporary church, service is performed each Sunday, and on the Fasts and Festivals of the church. There is much Christian zeal in this congregation. They are united with each other and with their pastor; their Sabbath schools are flourishing, as well as other religious societies. This church is always well attended, frequently crowded.

St. Andrew's parish has at present a neat place of worship, capable of accommodating five hundred people. The Rev. R. K. Sconce is the minister. This church was opened on Whit Sunday, 1842, and re-opened after enlargement on the Whit Sunday of 1843. Service is performed twice on the Lord's day. The system of free seats to the exclusion of pews is adopted in this, as in most

of the country churches lately erected. In this parish, and in the immediate neighbourhood of this place of worship, the intended cathedral is situate.



St. Andrew's Cathedral.

It will be a handsome addition to the architecture of the town. The want of funds has retarded the work, but we trust to be spared to see its completion, especially as four hundred pounds a year have been bequeathed to this purpose, and Christian churchmen in England have already aided us in this great undertaking. We should like to see greater liberality evinced by our fellow colonists in bringing to completion the first Cathedral Church in

Australia. Protestants would do well in this respect to learn a lesson from the Roman Catholic community, and emulate their zeal and liberality in perpetuating their worship and extending their principles.

At a distance of four miles from Sydney is the beautiful and romantic Church of St. Peter's, where the Rev. Dr. Steele statedly officiates. His congregation consists principally of those who, engaged in professional or commercial pursuits in the city, reside with their families in this delightful suburb.

The following is a list of the clergymen in the diocese of Australia, with their several districts.

Rev. W. Cowper, D.D., St. Philip, Sydney.
Rev. R. Cartwright, Burrowa.
Rev. John Cross, Port Macquarie.
Rev F. Wilkinson, A.M., Oaks.
Rev. T. Hassall, Denbigh.
Rev. M. D. Meares, A.M., Wollongong.
Rev. C. P. N. Wilton, A.M., Newcastle.
Rev. J. Vincent, Castlereagh.
Rev. R. Forrest, Campbell Town.
Rev. H. T. Styles, Windsor.
Rev. G. K. Rusden, A.M., East Maitland.
Rev. W. M. Cowper, A.M., Port Stephens.
Rev. T. Sharpe, Bathurst.
Rev. H. H. Bobart, A.M., Paramatta.
Rev. J. Gunther, Wellington Valley.
Rev. G. A. Middleton, Morpeth.
Rev. W. Stack, A.B., West Maitland.

Rev. G. N. Woodd, A.B., Bungonia.
Rev. W. Sowerby, Goulbourn.
Rev. T. C. Makinson, B.A., Mulgoa.
Rev. T. Steele, L.L.D., Cook's River.
Rev. J. Duffus, M.A., Liverpool.
Rev. C. F. Brigstocke, Liverpool.
Rev. G. C. Turner, S.C.L., Hunter's Hill.
Rev. C. Rogers, Brisbane Water.
Rev. H. D. D. Sparling, B.A., Appin.
Rev. E. Smith, B.A., Queenbeyan.
Rev. W. B. Clarke, M.A., St. Leonard's, N. Shore.
Rev. R. T. Bolton, M.A., Hexham.
Rev. C. Spencer, M.A., Raymond Terrace.
Rev. J. Morse, M.A., Scone.
Rev. W. H. Walsh, St. Lawrence, Sydney.
Rev. J. J. Smith, Paterson.
Rev. R. Allwood, B.A., St. James, Sydney.
Rev. C. Woodward, B.C.L., Kelso.
Rev. J. Y. Wilson, Portland Bay.
Rev. E. G. Pryce, B.A., Lower Hawkesbury.
Rev. W. W. Simpson, M.A., Penal establishment, Paramatta.
Rev. A. C. Thomson, Port Phillip.
Rev. G. Vidal, B.A., Sutton Forest.
Rev. J. Elder, Chaplain to H. M. Gaol, Darlinghurst, Sydney.
Rev. T. B. Naylor, B.A., Norfolk Island.
Rev. C. C. Kemp, Master of St. James's Grammar School, Sydney.

Rev. J. C. Grylls, Holy Trinity, Sydney.
Rev. B. L. Watson, Penrith, and South Creek.
Rev. W. Stone, A.B., Ashfield and Concord.
Rev. J. Edmonstone, Chap. Penal establishments, Sydney.
Rev. J. Troughton, Prospect.
Rev. R. K. Sconce, A.B., St. Andrew, Sydney.
Rev. T. W. Bodenham.
Rev. J. Gregor, A.M.. Moreton Bay.
Rev. W. Lisle, Yass.
Rev. F. Cameron, Singleton.
Rev. J. M'Connell, Singleton.
Rev. J. Farrell, A.M., Adelaide, S. Australia.
Rev. J. B. Wittenom, Perth, Swan River.
Rev. J. R. Wollaston, Perth, Swan River.
Rev. W. Mitchell, Guilford, Swan River.
Rev. J. Allan, Braidwood, N. S. Wales.

The Rev. J. C. Grylls, officiated at St. Philip's during Dr. Cowper's visit to England, and preaches now in a temporary place of worship at the north end of the town, until a commodious church, which has been commenced, can be completed. It will be seen by the above list, that the spiritual interests of the convicts, at different penal establishments, are not neglected. The Rev. J. Edmonstone, and the Rev. J. Elder, are unremitting in their labours with these unhappy men in Sydney, and the Rev. W. W. Simpson is similarly engaged in Paramatta. Collections are made in all the

churches in Sydney every Sunday, for the raising of funds for building and enlarging churches in different parts of the colony. About £30 were formerly raised each Sunday, but in the present depressed state scarcely three-fourths of that sum is now contributed.*

On all occasions of public service the following form of prayer for the Governor is employed: "Almighty God, from whom all power is derived, we humbly beseech Thee to bless thy servant, his Excellency, the Governor, of this Territory, and grant that he may use the authority which our Sovereign Lady, the Queen, hath committed into his hand, with justice and mercy, according to Thy will. Enlighten him with Thy grace, preserve him by Thy Providence, and encompass him with Thy favour, that he may do all things for the advancement of Thy glory, the good of Thy Church, the honour of her Sacred Majesty, and the welfare of this Territory and People. Grant this, O Merciful Father, for the sake of Jesus Christ, our only Redeemer and Advocate. Amen."

A slight alteration also is made in the prayer

* It is pleasing to be enabled to communicate the fact, that at this moment (February, 1, 1845), and for some time past, the free-will offerings of the people in the churches of Sydney alone, have averaged upwards of thirty pounds each Lord's Day.

for the High Court of Parliament, to render it suitable for the Legislative Council of the colony.

The question may be asked, "Is there much vital religion in the Church in Australia?" In proportion to the importance of this question is the difficulty of coming to a satisfactory conclusion respecting it. Mammon has been too much the God of our Idolatory in New South Wales. Persons have left their native land and voyaged to this distant colony, avowedly with the desire of making money. This desire, when under proper check, and when controlled by Christian principle, may be justifiable—nay, laudable; but it is a question of grave import, whether we have allowed this desire to creep even into our holy things, and to deaden those feelings of piety which the Christian ought ever to cherish. Our souls may sometimes rise, but is not their general tendency downwards? What is the current of our thoughts and feelings? Are we realizing our privilege, and acting in conformity with our high vocation? Does the Church in Australia carry out the Scripture representation of "a city set on a hill," "the light of the world?" Can our Pastors address us as St. Paul addressed the Corinthians?—"Do we begin again to commend ourselves, or need we, as some others, epistles of commendation to you, or letters of commendation from you? Ye are our epistle written in our hearts, known and read of all men; for-

asmuch as ye are manifestly declared to be the Epistle of Christ ministered by us, written, not with ink, but with the spirit of the living God; not in tables of stone, but in the fleshly tables of the heart.' Are we like the Thessalonians, who were "ensamples to all that believe," and from whom "sounded out the word of the Lord, not only in Macedonia and Achaia, but also in every place their faith to God-ward was spread abroad?"

These are solemn questions. How far can we answer them satisfactorily? In some of the outward fruits of Christian zeal it is pleasing to find that we are advancing. We have already noticed the large attendance at our places of worship, and the liberal weekly collections. The formation of Parochial Associations for the purpose of extending the knowledge of the truth by the lay agency of the Church in every parish is an interesting and important feature in the late history of the Australian Church. The general feeling and tendency of the community is to respect religion and religious institutions; the Sabbath is observed with outward decency, and vice, though doubtless it does exist, does not unblushingly present itself to the public gaze. The public feeling is all on the side of the form of religion, how much of the power exists among us, the searcher of hearts alone can tell.

The Church of England Book Society, estab-

lished in 1841, under the sanction and presidency of the Bishop, is a useful auxiliary. The nucleus of a good library is already formed, and some valuable lectures have been delivered on different points of literature and science. By encouraging the perusal of standard theological works, and by occasional lectures on Church History and Government, we may hope that that end may be accomplished, to which the Bishop referred in his speech before the Legislative Council, already quoted;—we mean, that "the members of the Church should acquire a truer acquaintance with its principles, and manifest their earnest adherence to them."

With reference to our clergy generally, we must make one remark. Their work is too severe both for bodily and mental energies, and they are not adequately remunerated. The Church of England numbers we have seen seventy-three thousand seven hundred and twenty-seven members in the colony, and for these we have only sixty clergymen. The consequence of this is, that zealous as we believe our clergy are, it is impossible they can fully meet the pressing demands upon their time and labours. The public services of the sanctuary demand much of their time, and but little opportunity is left for that important part of a clergyman's work—systematic pastoral visitation, especially when the scattered state of the population is taken into consideration. Hence the pastor and people are scarcely ever brought

into collision, except on the Sabbath, or in public services. No wonder then if the people sink into formality, and learn to look upon religion as nothing more than an attendance upon church, and the heartless performance of a round of public services. The cry we send across the ocean that separates us from home is "come over and help us;" the earnest request we make to all who at home, or in the colony desire the welfare of the church is, "Pray the Lord of the harvest that He would send forth labourers unto His harvest." In some parts of the country, for miles round, there is no church, no minister; the inhabitants live without hope, and "without God in the world."

> "The sound of the church-going bell,
> These valleys and rocks never heard;
> Never sighed at the sound of a knell,
> Nor smiled when the Sabbath appeared."

In addition to the extremely onerous duties of our clergy, they are not adequately remunerated, and, "in order to provide things honest in the sight of all men," are frequently obliged to resort to the expedient of taking pupils. This occupies time which ought to be employed in the service of the church, disengages their attention, distracts them with worldly anxieties, and produces many other evils. It would be well if this could be remedied. We have no delicacy in speaking on

this point, and urging strongly a more liberal provision for our clergy, for "even so hath the Lord also ordained, that they who preach the Gospel, should live of the Gospel." The Roman Catholic community have a far greater number of clergymen in proportion to their numbers than our own Church, as they have between forty and fifty among 35,690; and in this respect, as in others, we may learn from them valuable lessons.

We, therefore, hail with grateful satisfaction the plan proposed by Bishop Coleridge, of endowing a College for preparing young men for the Colonial Ministry, and shall be happy to find this project receiving that support and countenance in high quarters which its importance seems to claim. It is, however, only a certain class of men who are adapted for these colonies. In one word, they are sent forth "as sheep in the midst of wolves," and must, therefore, "be wise as serpents, and harmless as doves." They must be men of good education—sufficiently so, to command respect, especially versed in all points of doctrine, and in the History and Discipline of the Church.

This last point is of considerable importance: the members of the Church require to be thoroughly instructed in its principles, or other denominations will take advantage of their ignorance, to induce error and schism. Situated also as we are, at a considerable distance from our

parent Church in England, we lose the advantage which is enjoyed there. Matters which are fully canvassed at home, are but slightly examined here, and superficial views are the necessary consequence. Days are dawning on the Church in which mighty events are to transpire; *we* must act our part in the movement about to take place, and it will require men armed at all points to regulate those movements, that they may be conducted with Christian wisdom and holy zeal.

There must be much wisdom in our colonial clergy to adapt themselves to the peculiar constitution of our society: they must "become all things to all men, that by all means they may gain some." No better resolution could a clergyman take than that which St. Paul made, to "give none offence, neither to the Jews, nor to the Gentiles, nor to the Church of God; even as I please all men in all things, not seeking mine own profit, but the profit of many, that they may be saved." Men whose character is above reproach, whose minds are well disciplined by diligent study, and whose hearts are alive to the greatness of the work, who are yielding without compromise, wise without craft, firm without bigotry, and "in whom there is no guile," are those whom we want. Will not some such come to us? "Other men have laboured," will they not "enter into their labours?" Shall we look in vain to our British Universities for

some assistance? We ask not the sacrifice at their hands which is required from those who journey to heathen lands; and even if we did, is self-denial to be laid in the balance against being engaged in their Master's business, labouring in a new land, "and to come as far as to us also in preaching the Gospel of Christ?"

We feel convinced that some will respond to the call. It is an appeal from kinsmen according to the flesh, and separated though they be by sixteen thousand miles of ocean, they are brethren still. "The field is the world," and it is only when the uncultivated parts of the field are supplied with labourers, that it is allowed us to sit down contentedly where fertility has already commenced. We would not have the calls of England neglected. Her large towns and rural districts even now, we know, require more men, but we are ourselves part of England, and we ask the English Church to come to our help. Shall not many a Christian pastor say, "Here am I—send me." The lay members of the Church must, however, bear their part in strengthening the hands of the colonial clergy. By their purses, their exertion, and their influence, they may do much, and it is not a great thing, if these holy men, whom we hope to see among us, "sow unto us spiritual things, that they should reap our worldly things."

We have no Archdeacon in this Diocese. The appointment of one would be a valuable donation

to the Church, and a considerable relief to our over-taxed Bishop. We venture to make the suggestion, and should be gratified to find it receiving consideration. When the Church and the Church's Head call loudly for help, he is a traitor to her cause, and an enemy to her great Head, who resists not other calls to obey the summons.

We have allowed ourselves but a limited space to refer to the exertions of Dissenters from the Established Church. They number (including Wesleyan Methodists) about five thousand. The Wesleyans display the zeal here which characterizes their body in all parts of the world. They have three places of worship in Sydney, and twelve ministers in the colony. A handsome chapel has been recently completed, called the Wesleyan Centenary Chapel: its name sufficiently explains the circumstances of its erection. The dissensions which arose in this body at home some time ago, were felt here, and have caused some splitting of interests, and the opening of small chapels in different parts of the town. The congregations of the latter are almost exclusively of the lower order. In addition to their regular places of worship and ministers, the Wesleyans have many small chapels and local preachers, with other assistants, in different parts of the colony.

The Independents, or Congregationalists, have

a chapel in Sydney capable of accommodating about 500 persons. Here Dr. Ross, the agent and representative of the London Missionary Society, statedly preaches.

Mr. Saunders is the minister of a neat chapel in connection with the Baptist denomination.

The "Friends" have a little meeting-house in Macquarie Street.

Dr. Lang, whose name is well known to those who have acquainted themselves much with the History of Australia, has, with his congregation, lately resigned the benefits of a State endowment, trusting entirely to what is called "the Voluntary Principle." His church is capable of seating one thousand persons, but is seldom more than half-filled. The Doctor has obtained a seat in the Representative Assembly, having been returned for the district of Port Phillip. It is not likely that he will thus render his own congregation larger, or be himself more influential in serving the religious interests of the colony, though we may hope that in his place in Council, he will not fail at all times to act up to his character as a minister of the Truth. This gentleman might have rendered far more efficient service to the cause of God in the colony, had not an unhappy love of political controversy drawn him aside from a course of devotedness to his work into other paths.

We have thus given a short view of the present

state of the religious communities among us. Before we proceed to some general remarks founded on the review we have taken, we proceed to extract from the Estimates for 1844, the probable expenses of the Church Establishments, forming a charge on the territory of New South Wales.

CHURCH OF ENGLAND.

SYDNEY.

	£	s.	d.
The Right Rev. the Lord Bishop of Australia . . .	2,000	0	0
Forty-nine clergymen. — Two at £460 each, one at £350, seven at £250, twenty-eight at £200, seven at £150, and four at £100 per annum each. . .	10,070	0	0
Allowance in lieu of forage for one horse each to eight clergymen, at 2*s.* 6*d.* per day, each .	366	0	0
Allowance for the maintenance of two boatmen on the River Hawkesbury. . .	36	10	0
Travelling expenses for clergymen on duty	250	0	0
Allowance for house rent to six clergymen. Five at £60 each, and one at £50 per annum. .	350	0	0
	£13,072	10	0

PORT PHILLIP.

	£	s.	d.
Three clergymen, at £200, £150, and £100 . . .	450	0	0
Special grant for St. James's Church, Melbourne. . .	500	0	0
	£950	0	0

PRESBYTERIAN CHURCH.

SYDNEY.

	£	s.	d.
Nineteen Ministers. Five at £200 each, nine at £150, and five at £100 per annum each. .	2,850	0	0
Allowance for travelling expenses.	200	0	0
	£3,050	0	0

PORT PHILLIP.

	£	s.	d.
Three ministers at £200, £150, and £100 . . .	£450	0	0

WESLEYAN METHODIST MISSION.

SYDNEY.

	£	s.	d.
Six ministers. Three at £200 each, and three at £150 each per an.	£1,050	0	0

PORT PHILLIP.

	£	s.	d.
One minister at £200 per annum.	£200	0	0

CHURCH OF ROME.

SYDNEY.

	£	s.	d.
The Most Reverend the Vicar Apostolic	500	0	0
The Very Reverend the Vicar General . . .	200	0	0
Twenty-one clergymen. Fifteen at £200 each, three at £150 each, and three at £100 each .	3,750	0	0
Allowances for travelling expenses.	200	0	0
	£4,650	0	0

PORT PHILLIP.

	£	s.	d.
Two clergymen at £200, and one at £150 per annum . .	350	0	0
	£5,000	0	0
To meet the expense of inspecting churches and ministers' dwellings	250	0	0
To meet unforeseen demands to which the government is pledged under the Church Act, including the building of churches of all denominations, and salaries of clergymen who may arrive in the colony with permission of the Secretary of State . .	12,000	0	0
Total . .	£36,220	10	0

	£	s.	d.
Deduct amount provided for by Schedule C. of 5 & 6 Victoria, Cap. 76 . . .	30,000	0	0
Amount proposed to be appropriated . . .	£6,022	10	0

This account calls for no remark, unless it be the large sum of £5,000, which a Protestant government pays for, what is believed to be, a false faith. Surely there needs some consideration here. Are not the principles of the Roman Catholic Church what they always were? And shall a government, calling itself Protestant and Christian, lavish such sums on the dissemination of these principles? We must speak out. Truth and consistency require it at our hands. The suspicion of bigotry and uncharitableness must not blind our eyes to the anomalous legislation which supports alike truth and error. If it be bigotry to protest against such an appropriation of public money, bigoted we are contented to be; but while we feel, and would readily display all Christian Charity towards those from whom we differ, principle must not be sacrificed: the points of difference between us are too great, too vital, to admit of compromise, or justify concession. "Doth a fountain send forth at the same place sweet waters and bitter?" Shall a government, with one hand, support the Ministers of God's Holy word, and with the other, cherish and

uphold a system which seals that same book, and garbles its most precious truths? If our Protestantism be worth any thing, it is worth every thing. The tendency and disposition of the Church against which we set ourselves, is to *encroach*, and when we know that the encroachment, if commenced, would tend to the upturning of our dearest and most cherished principles, we tremble at that which might, by possibility, lead to such a result. Let our government cease to call itself Protestant, or let it cease to contradict its name by its Colonial policy. On these high points we must be consistent, if we would prosper.

The government in our colony offers, in the event of a Church being required in any parish, to grant a sum equal to that raised by private contribution, provided it do not exceed a certain amount. Many churches have lately been built in this manner in thickly-peopled districts of the interior, and soon we may hope to see many more.

We must not close, without referring to the establishment of two bishoprics in the Southern Hemisphere,—one in New Zealand; the other in Van Diemen's Land. His Lordship, the Bishop of New Zealand, stayed for a short time among us on his way to his Diocese in April, 1841. His heart seemed fully impressed with the importance of his work, and he is evidently ready to "spend and be spent" in his master's service. Accounts reach us in Sydney of his zealous labours, as well as of the

exertions of his clergy. How pleasing to consider that, at the antipodes of Britain, where, but a few years before, was nothing but savage and cannibal barbarism,—which barbarism is not completely softened yet,—that here 'not only is civilization advancing, but christianity is exercising its heavenly influences; our ministry is constantly labouring, an Episcopal See is formed, the services of our Church are regularly celebrated, and the Divine command is now being fulfilled: "Bring my sons from far, and my daughters from the ends of the earth." The Bishop of Tasmania has but lately arrived at the scene of his labours, and was received with due respect by the clergy and members of his Diocese. We trust the formation of these Episcopal Sees will cause our Church to "strengthen her cords, and lengthen her stakes." May these dignitaries of the Church receive from the Church's Head all wisdom, grace, and strength! May their master who sent them forth, cheer them now they are in their labours! "Let thy work appear unto thy servants, and thy glory unto their children, and let the beauty of the Lord our God be upon them, and establish thou the work of their hands upon them, yea, the work of their hands establish thou it!"

We have lately been much gratified by a visit from the Bishop of Tasmania, who came to spend a short time with our own Bishop, and, doubtless, to consult with him concerning the common good. We repeat it, that we were much gratified with

this visit. The Bishop is very young for so grave an office; but we feel assured that a sound discretion has been exercised in sending out a man in the prime of life, to combat difficulties of no ordinary magnitude, and to undergo labours to which a person in the decline of years would be obviously unequal. In a former part of this chapter we have given a view of the principal Church of Sydney (St. James's); annexed will be found the



Cathedral of St. David (Hobart Town)

present Cathedral of Hobart Town. The difference between these buildings is striking. The one

looks like the church of a large old town, the other, is beautifully and romantically situate, and seems as though it were in a quiet country township: it is, however, neatly, nay, elegantly fitted up within, which it owes, in no small degree, to the good taste of the senior chaplain, the Rev. Dr. Bedford. We look forward, with pleasing anticipations, to the first triennial meeting of the Bishops to be held in Sydney. It will be a scene, we confidently hope, of unusual interest, bringing us back to the best days of the church. Christians at home will surely not forget those who have thus left their shores to become foster-fathers of the churches which are formed in these far-off southern lands.

We have one more duty to perform, which is, to return the thanks of the Church here to those Venerable Societies in England which have frequently rendered us valuable and seasonable aid. We tender them our best acknowledgments for these Acts of Christian liberality. May they be abundantly rewarded. While we return our best thanks for this assistance, we present our claim for further help. Still "many perish for lack of knowledge;" still we are, in our means of religious instruction, far below what a British colony should be. Our wants are pressing, and assistance we must have. Nature smiles on us; our soil is productive; our climate is genial; commerce, though subject at times to depression, promises yet to advance; and if we be but a religious, we shall, assuredly, be a prosperous, a

happy people. When thus we are arrayed in the beauty of holiness, all our natural charms will be more charming still. How redolent of fragrance will be our plains, when "the plant of renown," the "Rose of Sharon," blooms beauteously in our land! How smooth and peaceful will be our streams, when they move, like Bethesda's pool, to heal and refresh the weary and sin-sick soul! With what unwonted lustre will our firmament shine, when the mystic star leads to Jesus, and when the southern cross directs the gazer to the Lamb that has been slain! How resplendent will shine the orb of day, when unto us "the Sun of Righteousness shall arise with healing on his wings!" What sweet warblings shall those be, when the burden we hear is, "Glory to God in the highest, on earth peace, good will to men! And this shall come to pass. Eternal Truth is pledged to accomplish it; Omnipotence undertakes the work, infinite love "willeth not that any should perish;" perfect Holiness hates sin, and desires Holiness to dwell in the land. Every attribute of the Triune God is pledged to accomplish the work. And have we nothing to do? Nothing to do! We may be sluggish if we will,—God needs not our instrumentality;—others can do his work; but,—if we labour not, let us beware, lest against us the ancient doom be again pronounced, "Curse ye Meroz, curse ye bitterly the inhabitants thereof; because they came not to the help of the Lord against the mighty." • • •

Let us, however, act up to our high privilege, let Britain understand her duty, and with hallowed zeal extend to the nations of the earth, the Gospel which has raised her to the position she occupies among the nations of the world, and she shall see how by blessing others, she will herself be blessed, —how the best means to obtain revival at home is by diffusing religion abroad. It is not more true that the soil is fruitful to minister to man's necessities, that the sea flows to bear on its billows the ministers of a nation's prosperity, diffusing commerce and its attendant blessings over the earth, that the sun shines in the firmament not for itself, but to cheer, gladden and render fruitful the earth, than it is the will of God, that the Gospel has been committed to the church, that she may distribute it to others, and thus receive back fresh blessings to herself. The church is put in trust with the Gospel—to betray that trust is disaster to herself and dishonour to her head; to fulfil her trust, is to bless the world and to be prosperous herself; it is to perform the injunction, and finally to share the reward, comprised in those spirit-stirring words: "Be thou faithful unto death, and I will give thee a crown of life."

CHAPTER IV.

COLONIAL EDUCATION.

THOUGH the educational character of Australia has not yet arrived at that eminence, which by this time it should have occupied, it is still considerably in advance of former years. Some causes which impeded the progress of this good work have either entirely ceased, or their operation is far less powerful. When the communication with England was less frequent and less regular than at present, the want of proper school-books was a serious draw-back. This evil is quickly passing away. Nor did we fail less from the want of competent teachers. Now we have some men of high standing, who have earned honours at the British and Foreign Universities, engaged in the noble work of education, — engaged in conferring that boon upon the State which we know to be invaluable. Still, however, we are not in our education what we ought to be. The unhappy rise of religious dissension (the worst, and generally, alas! the bitterest, of all dissensions) has

prevented much good which might otherwise have been effected, has divided interests which ought to have been united, has given an excuse for supineness to that government which should have been roused by "the pressure from without" to afford the cause every assistance, has kept in a state of ignorance, "perishing for lack of knowledge," a great mass of the community which should now be rejoicing in all the blessings of a wide-spread education. Would that an honourable truce could be proclaimed to all such disputings! There is every reason to induce the well-wisher to Australia to exert all his energies in the work of colonial education. We assert without fear of contradiction, that in no British dependency is a greater field laid open ready to reward the industry and application of the persevering scholar. The man of literature and science may find here abundant materials on which to employ speculation and research. Shall we name such materials? Let these suffice. All that connects itself with the interesting Aborigines of this land, the history of our colony, its opening resources, its future prospects. But in addition to the subjects thus formed ready to his hand, who can tell what an important part may be assigned to the colonial youth in the after history of the world. The man of learning is the true "citizen of the world," and ample as are the materials we have stated, we will not confine our young Australian literati within such narrow bounds. Those

fruits which the tree of knowledge bears on their own soil, we may, indeed, wish them first to pluck, but we will not refuse their gathering it wherever it is planted. And to this they are fully competent. On a careful examination for the last ten years of the mental character and habits, the intellectual calibre of Australian born youth, we know that they will stand high, very high. They are naturally shrewd, quick-sighted, enthusiastic in their temperament, ready to receive, if not always faithful to retain, impressions. If they want the plodding industry of the German scholar, they possess the bold intrepidity of the true English character. If they be not the Fabii who achieve victory by unwearied diligence and perseverance in continued skirmishes, they are the Buonapartes of modern times, whom difficulties serve only to arouse, and who, concentrating their energies on one point, resolve to conquer, and conquer, because they resolve. Roused by a stimulant they will labour with untiring zeal, *but they require that stimulant.* They will seldom pursue learning for learning's sake; they require an appeal to their interest, they need the recommendation of profit and advantage, but when that is once fairly presented to them, they overcome difficulties in a short time which others would be long in surmounting. We have dwelt thus on the character of our colonial youth, as we intend, before we close, to graft on

the view thus presented, an appeal to the friends of education in the colony and at home. With abundant materials on which to work, with every thing to urge to exertion, let a movement be made by which our native youth shall receive the legitimate development of their powers, and the resources of our growingly interesting colony shall thus be increasingly brought to light.

A strong opposition was made by the Lord Bishop of Australia in his seat in council to a plan propounded by his Excellency, Sir G. Gipps, for introducing a general system of education.

" The great dispersion of the population of New South Wales," observes his Excellency, " renders perhaps more than in any country upon earth, a system of education necessary that shall be as comprehensive as possible." Against this comprehensiveness, his Lordship protested in an elaborate speech. On whichever side the friends of education may respectively arrange themselves, it must always be a matter of regret that the work has been retarded so long, and that no attempt to agitate the subject has been successful, as the evil genius of discord has stopped all attempts, paralysed all energies, and caused us to be now no farther advanced in national education than we were five or six years ago. The late Governor, Sir Richard Bourke, was distinguished for a strong attachment to education, and during his vice-regal

sway, materially contributed to promote its interests. On a statue erected to his honour by the inhabitants of the colony, the following among other eulogiums, stands prominently forward: "he established religious equality on a just and firm basis, and sought to provide for all, without distinction of sect, a sound and adequate system of National Education."

In 1836, his Excellency proposed a plan formed after the model of the schools about that time introduced into Ireland by the British government. Against this protests were presented by Protestants assembled in public meeting. The plan, however, worked for some time with slight modifications. We have referred already to the present Governor's minute on this subject, as made public in 1839. Sir George Gipps expressed in this a strong approval of the principle of the British and Foreign School Society. A branch of this institution for some time had existence in Sydney, of which his Excellency was patron, and some of the most respectable and influential of the community were among its supporters and conductors. It failed, however, for want of funds and sufficient encouragement—a sad proof of the apathy of the colonists to this all-important matter. When will the people learn to regard education as the best support, security, and ornament of the State?

The principle on which schools now receive aid

from the government, was fixed in September, 1841. By the regulations then issued, it was appointed that government should pay one halfpenny per day for each child educated in schools situate in towns whose population was two thousand or more. This, however, was not to be granted if the school was not found, on examination, to be in need of such help. Where the population was less than two thousand, one farthing or one halfpenny was to be granted, if no other school within five miles received government aid. In no case, however, was more than £25 a quarter to be appropriated to one school. No *fixed* salaries were to be allowed to masters, and the whole of the establishments were to be under the direction of inspectors, who were not to interfere with the internal management. In the year 1842, the charge for schools upon the Colonial Government was as follows:—

	£.	s.	d.
Church of England	8,601	15	9
Presbyterian	967	1	5¼
Wesleyan	280	2	6
Independent	22	7	6
British & Foreign School Society	300	0	0
Roman Catholics	2,500	2	7
	£12,671	9	9¼

The estimates for 1844, differ, it will be seen, materially in some items:—

	£.	s.	d.
Orphan Establishments, Episcopal and Roman Catholic	6,200	12	0
Church of England	3,450	0	0
Presbyterian	1,200	0	0
Wesleyan Methodist	350	0	0
Roman Catholic	2,450	0	0
For Schools of all denominations at Port Phillip	400	0	0
	£14,050	12	0

In all cases, the sum granted by government is made equal to that raised from private sources. It is difficult to obtain an exact account of the number of children attending the schools of the colony, in consequence of continual fluctuations. The number of schools are as follows:—

Church of England	42
(Of these twenty-seven receive support from the Diocesan Committee, and fifteen from government.)	
Wesleyan Methodists (Day Schools)	14
” ” (Sunday ditto)	21
Presbyterian	14
Roman Catholic	28

When the sum of £14,050. 12*s*., granted for education, (of which upwards of £6,000 is appropriated to the Orphan School, and can hardly be said to belong, at least, as a whole, to education) is contrasted with the £60,548. 3*s*. laid apart for police establishments, we cannot avoid expressing a wish that more were spent to prevent than to punish crime, that the expensive paraphernalia connected with the administration of discipline to offenders were displaced, and their place supplied by the unostentatious but powerful machinery of well-regulated schools. These schools will never be so useful as they might, till more care is taken in selecting suitable masters. They should be men of unimpeachable character, intelligence, persevering industry, and respectable attainments.

It is allowed on all hands that nothing can be of greater importance than the character, skill, and attainments of the teacher of youth: the eternal, no less than the temporal, welfare of our offspring depends in a degree on the right use, or the abuse of the mighty engine which he wields—on the impressions he makes on the tender mind. Though the truth of this position be not opposed, it is somewhat strange that the scholastic is the only profession in which we require no guarantee of the fitness of the party. True, you may say, is not a member of a learned University a fit teacher? We

reply, certainly not, if it be *merely* on that account. How often do we see learned pedants coming thence; how very frequently men who cannot impart instruction in an easy and familiar manner. We remember in years gone bye, requiring aid in our own mathematical studies when at the University, and that we had the assistance of a man highly extolled as a private tutor—a Wrangler of high degree. Little or no good did we derive from his deep, though well-meant explanations; he was not aware of the little difficulties which required to be pointed out, or of the imperceptible steps by which a pupil should be lured on, and his path cleared before him. No! to him all seemed as clear as the noon-day, and he went on with prodigious strides, continually forgetting that, however anxious, we could only trot after him, like Iülus of old, but could not keep up with him. We found that nearly all those difficulties which stand at the threshold of mathematical science were made quite plain before us by the assistance of a man, who took a low, though respectable degree, and who, being a "plodder" himself, knew what had opposed his own progress, and pointed it out with clearness. As in our own case, so in all: much, very much, depends upon the teacher himself. The greater portion of those who take a dislike to science, have done so because they only commenced their studies under such unfavourable circumstances, and, finding

them uninteresting and difficult, even with what are falsely called "superior advantages," they never troubled themselves farther about them, or entertained a strong disgust.

Many men are quite unfit, from the natural irritability of their tempers, to be teachers of youth, and a vast number from actual ignorance. The professional man who has not succeeded in his calling, the lawyer's clerk, the book-keeper, the tradesman, and, often those whose sole recommendation consists in their ability to "read, and write, and cast accounts," when all trades fail, and the world seems to cast its back upon them, these, forsooth, in crowds, set up as teachers of youth, "as Masters of Classical and Commercial Academies for young gentlemen."

I fear that honesty will not allow me to except ladies from this sweeping censure; nay, in some things they are really worse than men. Hence arises all the quackery we hear of and see in education; hence we find children superficially brought forward to know every thing by name, and much by rote, without their minds having gone through any wholesome discipline, putting us in mind of a building which is sightly to the eye, and is only deficient in one point—in wanting a foundation. Shall we, when our body is ailing, inquire with scrupulous care about our physicians, must they produce testimonials from

learned bodies, and must the world pronounce that their success in practice has been equal to their professions, before we call them in to our houses, to minister to our bodily ailments, and shall we not consider it of equal, nay, of greater importance, that the man who is to take charge of our children from their earliest days, whose peculiar office and high privilege it is to train their infant hearts in the way of God's commandments, and to furnish their minds with that knowledge which is more precious than rubies, or aught this world can bestow, shall be "apt to teach," and an ensample unto all men of godly life and conversation? We knew ourselves of a person who had a large school, (about one hundred pupils), on high terms in one of the colonies, who had been a prisoner, and was a professed votary of Bacchus.

Let our teachers of high or of low degree go through a regular apprenticeship; let their certificates prove their ability and skill in imparting instruction; and let those under whose inspection they have been, testify to the purity of their lives, or let them not venture to obtrude themselves into an office for which they must be glaringly unfit. Why not establish in this Hemisphere some training school, under the charge of a really clever, practical, and good man, to whose recommendation, we as parents may look up, and

feel, amid all the cares to which life is heir, that on this head, at least, we are free, that our children are likely to grow up a blessing to us, a credit to themselves, and an ornament to their country.

We were glad to find that in the minute of Sir George Gipps, published in 1839, his Excellency expressed his admiration of the system of Normal Training Schools. It would be of incalculable benefit to the colony if such institutions were introduced here. Surely the profession of the teacher, second to none but the sacred office of the ministry, requires as diligent training for the fit discharge of its high functions as those, to prepare for which we are accustomed to devote some of our best years. We have also another suggestion to make. Would not the introduction of singing, as a part of instruction, be highly desirable? This plan is pursued with great success and benefit on the continent, and we should hail its adoption among us as a national benefit. The influence upon the moral character, we believe would be considerable. Those who have but slender mental resources, and to whom consequently time is a burden, would, were this pleasing science generally taught, no longer seek relaxation in the evils of the low tavern, or gambling house, but would learn to pursue elevated joys befitting the intellectual being, the accountable creature of God. Addison has wisely called

Music a "sixth sense." How great a boon then do we confer by communicating the power of enjoying it! We might hope to realize the best results, and hear from even children the "Lord's songs in a strange land." Much is expected of the Representative Assembly in this general matter: let not the numbers who are yet uneducated appeal for their help and commiseration in vain.

We now proceed to the schools for the middle and higher classes of society. We may state generally, that the condition of some of these is highly respectable, and that if only government would, in its measure, hold out some encouragement, we should have but little left for us to wish, and surely it is not too much for us to ask such help.

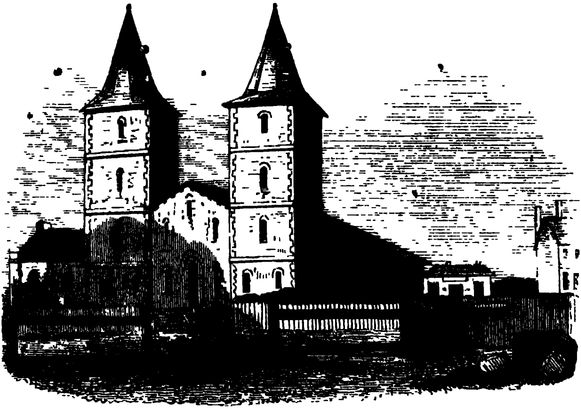
The King's School at Paramatta was opened on February 13, 1832, under the superintendence of the Rev. R. Forrest, A.M. The whole establishment was placed under the direction of Archdeacon Broughton, now the Lord Bishop of Australia. This institution continued to flourish till the year 1837, when the Rev. R. Forrest resigned his appointment. At this time, in addition to the Principal, there were three assistant masters, and the scholars consisted of one hundred and twenty boys. The Rev. W. B. Clarke, A.M., in conjunction with the Rev. J. Troughton, then took the superintendence: they were succeeded

by the Rev. W. W. Simpson, and at present the Rev. J. Walker, A.M. is Head-Master. The building, appropriated to the King's School is admirably adapted to the purpose.

Paramatta is a small town, distant fifteen miles from Sydney, and the school is situate a little out of the town. It possesses every accommodation, is surrounded by good grounds, and is an object of admiration for the chasteness and correctness of its architecture. It is with pain we have to record that this establishment is now at a very low ebb, not more than about six or eight boys enjoying the advantages it affords. It may be difficult to account for this: whether it may have arisen from the fact that those who have been entrusted with its control have been too much occupied with clerical and other duties to enable them to devote undivided attention to their pupils; whether they have failed in "an aptness to teach," which, as we have elsewhere stated, is quite distinct from, and by no means necessarily connected with, superior attainments; whether its exclusive character, (it being under the direct surveillance of the Bishop and clergy) has operated to its injury, or whatever other cause may be assigned for its decline, that it has declined is certain, and is to be regretted.

As we are speaking of Paramatta, we present here a view of the Church in that township,

which, for so many years, was adorned by the ministrations of the Venerable Marsden.



St. John's Church.

A school in Sydney is now conducted by the Rev. C. Kemp, in which boys receive instruction. It is hoped, that in process of time, this establishment will constitute an important feature in our educational character. At present the attainments of the pupils are by no means extended, being confined to the elements of the classics. A neat and commodious building near St. James's Church is appropriated to this Academy, and the general direction of its affairs is placed in the hands of the Bishop of Australia, and the clergy of Sydney.

The Australian College was founded by Dr. Lang, then the Senior Presbyterian Chaplain in

the colony. It was intended to establish on the foundation of a good school, a College for supplying the Presbyterian ministry in the colony. In the years 1838—1840, the institution numbered about seventy or eighty pupils, and was conducted by the Rev. T. Aitken, A.M., Rev. D. McKenzie, A.M., and Rev. R. Wylde, A.M. From this time, however, the Australian College has sadly declined, till it is now very nearly defunct. The cause of this has been attributed to the fact that some of the conductors of this establishment were engaged so deeply in pastoral and agricultural pursuits, that their duties were necessarily neglected, or entrusted to those who were but ill-fitted rightly to perform them. An unhappy animosity, which has been excited, by and against Dr. Lang, has doubtless operated greatly to the injury of the school. This should have been an useful auxiliary in the great work of education, but its decline and dissolution affords a melancholy instance how completely powerless and valueless are all attempts to spread the blessings of education, when those on whom the work devolves have other objects present to their consideration, to which this work is considered as subservient, instead of being viewed as it should—paramount to all besides.

Many private schools have been established in Sydney, at different parts of the colony, by men of respectable attainments and character. The oldest

established, and one of the most flourishing of these is called the Normal Institution, conducted by Mr. H. Gordon. Among the pupils on this establishment was an interesting and intelligent Aboriginal native youth, placed here by the liberality of a private gentleman in the interior. This youth displayed considerable shrewdness and quickness, and in some degree repaid his patron's generous kindness.

The system of private tuition is pursued to a considerable extent, especially in remote parts. We confess we do not, as a general rule, admire private tuition for boys; we think they need the discipline of schools, they require that collision with others, which will prepare them for those fiercer collisions which they must inevitably endure when once they venture abroad on the world. It requires, we are of opinion, only a greater degree of confidence in our schools, and in their conductors, to induce parents to entrust their sons willingly to the charge of those who are honourably engaged in the direction of public or private seminaries.

The Sydney College was the first public school founded in the colony, and ranks, at the present time, as the most prosperous in the community. It was opened on the 19th January, 1835, with seventy pupils, who had formed the school of W. T. Cape, Esq., who was appointed Head-Master to this Institution, and whom his pupils were happy to follow. The foundation of the College is proprietary; the sum necessary for its establishment

having been raised in shares of £50 each. At the present time, one hundred and forty-four of these



Sydney College.

shares have been paid in full. A shareholder is allowed for each share to have one boy in the College, to receive all the benefit of the classes for £7. per annum. The terms for those not presented are from £12 to £14 a year, according to the age and advancement of the pupil. All the requisite stationery is supplied to the students at the expense of the Institution. Its management is entrusted to a President, Treasurer, Secretary, and Committee of fifteen, yearly elected by the Shareholders. The educational department is conducted by the Head-Master, and generally five assistant Masters. The average number of students has, for some time past, been about one hundred and fifty. By the statutes of the Institution, the course of education comprehends :

I. The Latin and Greek languages.

II. English grammar, Elocution, and the elements of English composition.

III. Writing, Arithmetic, Book-keeping and Geography.

IV. Mathematics, and such branches of Natural Philosophy as may be deemed of primary importance.

The land on which the College is built was a grant from Sir Thomas Brisbane, then Governor of the colony. The hall is, at present, the largest room in New South Wales, having contained at public meetings held within its walls from one thousand to twelve hundred persons; it is eighty feet long by thirty-five. At the northern end, a very beautiful likeness of Sir Francis Forbes, the late President, is suspended. Attached to the hall is a most commodious house for the Principal, who receives boarders, and when the other wing is completed, similar accommodations will be provided for the Assistant Masters. Above the front entrance to the hall is the following inscription:

Ausp. Tho. Brisbane Equit.
Collegium Sydneiense
Pro Lit. et Art. Lib. Studiis
Civium Australicorum Curâ
Institutum.
Fras. Forbes Capit. Justic. Coll. Præs.
Ric. Bourke. Territ. Gubern.
MDCCCXXXII.

R. COOPER, Œdif. E. HALLEN, Arch.

We must not refer to this Institution without awarding the honour which is eminently due to the gentleman whom we have already named as its first Head-Master. Mr. Cape, beginning with but a small number of pupils, having to contend with difficulties of no ordinary kind, pursued with unwearied diligence and ever vigilant zeal, the course which was laid down for him, and by acting thus, so succeeded, that he raised the Institution to an honourable position in the colony, won for himself the good opinions of all classes as a teacher, secured the grateful attachment of his pupils, who on his retirement from office at Christmas 1841, presented him with a substantial proof of their attachment, a handsome service of plate, and rendered his name well deserving a place in the historic record which would trace and unfold Australia's advancement.

Soon after my appointment to the Head-Mastership, which took place in 1841, I announced my intention of proposing Exhibitions to the pupils of the College, and soon many youthful competitors pressed forward to avail themselves of the privileges thus placed within their reach. Some months previous, notice having been given, the first Examination took place on the 3rd and 4th November, 1842, the Examiners being T. Walker, B.A., Jesus College, Cambridge, and H. I. Hatch, B.A., of Magdalen College.

The following were the subjects:

In lit. Human.

CLASSIS I.

Euripidis Orestes. Juvenalis Sat. XIII.
Thucydides Lib. I. Taciti Agricola.
Epis. ad Romanos (Græcè).
Latin Prose—Subject:

"Cinis et manes, et fabula fies,
Vive memor lethi: fugit hora."

English Essay—Subject:

"Non possidentem multa vocaveris
Rectè beatum; rectius occupat
Nomen beati, qui Deorum
Muneribus sapienter uti
Duramque callet pauperum pati
Pejusque leto flagitium timet."

CLASSIS II.

Virgilii Æneis, Lib. I. II.
Cæsaris Comment. Lib. I. II.
Geography and History of Rome, ad lib.
English Poetry—Subject:

"The miseries of War contrasted with the blessings of Peace."

English Prose—subject:

"The duties and privileges of the young."

In Rebus Mathemat:

CLASSIS I.

First six books, and the eleventh book of Euclid.

Geometrical Deductions.

Snowball's Plane Trigonometry.

Problems in Simple, Quadratic, Cubic and Biquadratic equations.

The Binomial Theorem. Extraction of Binomial Surds; Ratios, Proportions, Chapter on variable Quantities, Permutations and Combinations, Logarithms.

CLASSIS II.

First three books of Euclid.

Problems in Algebra to the end of Quadratic equations.

Questions in Arithmetic, ad libitum.

A sum of fifty pounds was devoted to the exhibitions, to be awarded in prizes of £25, £11, £8, and £6. For the first class, two candidates presented themselves, and for the second, seven. The Examiners appended the following remarks to their Report: "The Examiners avail themselves of this opportunity of expressing their highest approbation of the manner in which the several candidates (more especially those of the first class) have passed this their first examination. The plan of the Examination was similar to that adopted at the

Universities of Cambridge and Oxford; and the result has enabled them to state with pleasure their belief, that few boys, at the same age, could be found in England, who could have passed through the same examinations with greater credit, either to themselves, or those under whose guidance they have been placed, than Stephen and Wentworth, (the candidates in the first class); and, indeed, the papers handed up by the candidates in general, are, in themselves, sufficient evidence of the very beneficial effect of a proper encouragement of voluntary study among the youths of this colony; and the Examiners would express a hope that the present laudable endeavours of the Head-Master in this kind, will be, on a future occasion, seconded by all parents and others who feel interested in the education of those youths, upon whose present habits of application and industry the prosperity of this country may hereafter greatly depend."

The following subjects were selected for the second year's Exhibition:—

In Lit: Human:

Sophoclis Antigonè. (In connection with this play, Seale on the Greek metres must be brought up). Demosthenis Philippica I. Livii Lib. I. Horatii de Arte Poeticâ. Logic.

Paley's Evidences of the Christian Religion.

Latin Verses. Subject: 1. Paraphrase on the 23rd Psalm: "The Lord my pasture shall pre-

pare." 2. Chorus in Euripidis Medea, l. 414—443. These are to be turned into any of the Horatian metres.

English Theme. Subject: "Vivè Pius, moriere Felix."

English Verse. Subject: "Amor patriæ."

CLASSIS II.

C. Salustii Catilina. Horatii Od: Lib. I. II.

Copy of Latin Hexameters and Pentameters: Subject—"Non benè cœlestes impia dextra colit."

English Theme—Subject:

> Dare to be true, nothing can need a lie:
> The fault that needs it most, grows two thereby."

English Verse. Subject: "Rural Pursuits."

In Rebus Mathemat:

CLASSIS I.

Algebraical Problems, ad libitum.

Plane and Solid Geometry, Snowball's Plane and Spherical Trigonometry; Conic Sections; Mechanics. Use of the Globes. The different modes of the projection of the Sphere.

CLASSIS II.

Questions on Arithmetic, ad libitum. First Six Books of Euclid. Algebra, including Simple,

Quadratic, Cubic and Indeterminate equations. Mensuration.

It will be seen from the above, that the attainments of the youths at Sydney College are very respectable, and that the institution would stand well on a comparison with older and more favoured establishments at home. There is something very interesting in the stimulus which such inducements to learning present to the youthful mind. We feel disposed to hail with all enthusiasm into the arena these juvenile intellectual gladiators. It is for them to engage in an honourable trial of mental strength. The spoils of the ancients glisten before them, but these spoils are not to be obtained without a struggle. The hydra-headed monsters, indolence and self-indulgence, must first be vanquished, other enemies must be crushed, and vigorous efforts must be made ere the splendid treasures be called their own. Above these spoils dazzles, in bright resplendence, a crown to be placed on the head of him who shall prove that he has best deserved it. With all the enthusiasm of young hearts, they now press forward to the contest, it is nothing that enemies oppose, the crown is before them,—they strive, they agonize, they conquer, and having conquered, it is right that they should wear this crown, and rich in the spoils borrowed from an ancient world, they should also stand bedecked with those honours, which shall

bring them praise and glory now. Our youthful combatants having thus conquered, will know and feel their strength; aye, and others, who were once defeated, spurred on by the bright prospect yet before them, will, with a ten-fold power, press on in any future contest, and undaunted by any difficulties, unchecked by an occasional repulse, not enfeebled, but rather strengthened by continued attacks, will not rest while one trophy of victory is yet to be enjoyed, while one enemy remains unconquered, while one niche in the temple of Fame continues unfilled, while one crown prepared for intellectual warriors is unwon, and one palm branch of victory is yet unwaved. The establishment of these exhibitions has also been useful, as calculated to show the public at large what might be done in Australia. It has been proved to be quite possible for youths to obtain a superior education without travelling beyond the limits of the colony. It needs only the presenting a sufficient inducement to entice our boys to work, and to urge parents to allow them the requisite time for the completion of their education. We must give the promise of reward, and answer in a substantial manner the question "cui bono?" which is continually urged when we call to intellectual pursuits. We say we must do this with boys. Soon they will rise to appreciate learning for its own sake, and, with an honourable ambition, strive to surmount all the difficulties which beset them in

their course, needing no other motive to impel them onward than the fact, that knowledge is to be obtained—that wisdom is to be learned.

> "For such the bounteous Providence of Heaven
> In every breast implanting this desire
> Of objects new and strange to urge us on
> With unremitted ardour, to pursue
> Those sacred stores that wait the ripening soul
> In Truth's exhaustless bosom."

Standing as Sydney College does, as our highest educational establishment, we feel deeply interested in its prosperity, and are most anxious to extend its efficiency. In many respects, however, it falls far short of what it ought to be. We have a strange anomaly—a college without the slightest endowment. Far be it from us to detract, in the least, from the merit so justly due to those venerable men, whose anxiety for the welfare of the rising generation, urged them, often amidst almost overwhelming difficulties, to raise the structure, and put the establishment on its present respectable footing. We would merely urge the necessity which exists of there being something beyond a building, something even beyond the opportunity of gaining a good education within our walls, before we can ever induce parents to spare the valuable services of their sons, or our boys to toil and to pant after higher degrees of intellectual advancement. Has not this great cause friends at

"home," friends in the colony—men, who abounding in this world's goods, and knowing the advantages arising from the spread of knowledge, are willing to immortalize their names by stepping forward now to our aid, and assisting us in founding scholarships and exhibitions on a fixed plan. By and bye, we doubt not, many will do so. When an institution least needs, it generally obtains the greatest share of help. What we crave is *present* help, what we urge you to do, is, to set a good example. Let us not appeal to our friends at home, nor to our Australian patriots in vain. They, at least, are proud of the country of their birth or of their adoption, they are proud of her sons, of the gigantic strides they have made in all those arts which mark the civilized nation: let the names be graven in the hearts of many of their youth around them, by inciting them to increased exertion, from the inducement thus held out by their philanthopy.

The nucleus of a good library has been formed by donations of books—one by S. Bannister, Esq., late Attorney-General, and another by Mr. S. Lyons to the extent of £100. In the early part of 1843, the Institution also received two volumes of the proceedings of the British Association, presented by that body. This gift is doubly valuable, as proving that an interest is felt in our welfare by learned societies at home, and that they are ready to encourage and advance our colonial literature.

Will some private individuals and other public bodies step forward with the like assistance? The man who is anxious for the spread of true learning is confined, not by the boundaries of oceans and continents, his enthusiasm is kindled at the bare mention of intellectual effort, and in whatever clime, and under whatever circumstances, he discovers mind to be at work, there is he ready to step forward with that assistance and fostering encouragement which alone is necessary to draw forth latent energy, and arouse to increased exertion. In rendering such assistance, be it always remembered, the individual is more honoured by the cause, than the cause by the individual. He is the enlarged patriot who struggles to free men from the shackles of ignorance, he is the noblest warrior who contends with full zeal against mental inactivity, and its attendant moral degradation. He is the true philanthropist, who, with the benevolence of a Howard, toiling through all regions to alleviate human distress, so by his warm and enlightened zeal causes his influence to extend over the world, by giving sight to the mentally beclouded, and opening the prison doors to those whom ignorance and sloth had kept bound in adamantine chains. Besides an enlarged library, we should wish to see a supply of philosophical apparatus, that thus our youth might be led into an examination of all the wonders which science is ready to open to their view. Other ends might

then be accomplished, and thus this institution might be made to deserve the name of College, which it now holds rather as prospective of what it may become, than as descriptive of what it actually is at this moment. Thus we might hope to find it become a general Collegiate Institution for the Southern Hemisphere. Neighbouring colonies would avail themselves of the advantages placed within their reach, and India might be ready to land her sons on our shores, that in a milder climate, and at less distance than Britain, they might yet enjoy the same privilege which the mother country affords.

Might not New South Wales thus become the rallying point for the learning of the Southern Hemisphere? Might we not hope to see it at once the centre and focus of all the rays of science and literature? Might not an inducement to touch upon our shores be presented, which does not now exist, and be found in the fact that not only was our commerce extended over the world, but our learning too; not only did we prosper in the wealth of this world's goods, but were still more rich in intellectual treasures. These are pleasing prospects. Removed as we are from the associations of time-hallowed institutions with which old England abounds, we are anxious to rear, in this our land, establishments where our sons and children's children, and many generations yet unborn may expatiate in all the blessings of

enlarged education And why should this not be? Why should not this portion of the world be as distinguished for its learning as any other? Say not that we are young as a nation, and must wait till our powers be developed before we attempt such an advance. Oh, no! we are not young, we are but a part of Britain, and we have all the experience of the Ancients to guide us. We are mature in the wisdom thus derived. Or, if we be young in the world's history, we possess the enthusiasm and fire of youth, and if we feel the weakness of children, we shall not be ridiculed or despised because we appeal to the Mother State for help.

When England is addressed by her own foster-child, she will not forget her character by refusing to listen. We ask for the best security and support to every State, the extended learning of our sons, we ask to have learning made so honourable, and so advantageous too, that ignorance shall be shamed, yes, and starved out of existence. With how much lustre shall this gem set in the Southern Ocean then glisten in the crown of our beloved Queen! Shall these hints suffice? Will it be enough thus to have directed the friends of education to our wants and resources, in order to ensure their co-operation and zealous assistance? We believe it will. We anticipate that an impetus to our intellectual character will thus be given, and it may be well to assure our British supporters that if they will only help us, we will also help ourselves;

and few as they may be in numbers, and contracted in resources, the friends of education in Australia are resolved to rest not till this interesting colony has risen to an elevation in intellectual and moral greatness yet scarcely anticipated. There is no reason why Australia should not boast an institution worthy in all respects to compete with our best schools at home. Let those who are anxious to be informed on this subject examine the history of some of the most flourishing schools and colleges in England, and they will find that they have risen to their present eminence from beginnings no more promising than Sydney College at this moment presents. "Sic fortis Etruria crevit;" and we will not cease to agitate this matter, till Australia can boast its Rugby or its Harrow, and become the emporium of the learning of the southern world.

Among other ends highly desirable is the raising of liberal salaries for those engaged in the work of education. To those who pursue this honourable employment, it should be made advantageous too. "The labourer is worthy of his hire," and he who labours in this field, should be, by his situation and condition, far removed from those pecuniary anxieties and worldly cares which paralyse the energies, and thus, in fact, retard the very work which he is set to promote. "Slow rises worth, by poverty depressed," and although there may be something of romance in the disin-

terested zeal of the starving instructor of youth, in New South Wales we are not very romantic, and stern necessity, in the shape of ten thousand annoyances, injurious both to the mind and body, will infallibly attend him whose condition is not raised above the pressure of financial embarrassment. We feel that we have a just complaint to make on behalf of many men of superior education in this colony — men whose talents, time and energies are all engaged in the tuition of the families of many respectable settlers, whose remuneration is very, very frequently, not greater than that given to a shepherd, and often not paid when due. The times call for a rigid economy, and we are pleased to see the fathers of families curtailing their expenses; but they begin where they ought to end. Nothing but the direst necessity should compel them to demean to the level of a common servant, that teacher, on the faithful discharge of whose duties so much depends. These things should not be.

Before we close we must urge one point. It will not suffice to teach our youth mere human learning, without training them in the principles of morality and religion. They need the discipline of the heart, the cultivation of the conscience. We make our youth good citizens by making them Christians, we give them the best and most enduring riches when we supply them with the "pearl of great price." This is our highest duty:

> "We are bound to cast the minds of youth
> Betimes into the mould of heavenly truth,
> That taught of Heaven, they may indeed be wise,
> Nor, ignorantly wandering, miss the skies."

The teachers we want are men who will appreciate and carry out these principles, and having obtained them, let their hands be strengthened by Colonial and British generosity, and from that period we shall date our perpetually extending prosperity. Connecting this subject with that of our last chapter, again we turn to Britain for help. We do so in the language of Mr. Justice Burton, in the work previously referred to, "because the cause is one, the Church is one, and the duty is common to all." Shall we ask in vain? In vain of those who pray constantly as the Sabbath returns, "that thy way may be known upon earth, thy saving health among all nations?" In vain of those who profess to love the Gospel, and who are enjoying all the sweets of religious knowledge? In vain of the disciples of Christ, the children of Him, "who will have all men to be saved, and come to the knowledge of the truth?" Oh no! forbid it British Christians. Use your influence and your energies to make this colony a religious educated State. Britain may glory in her dependencies if she discharge this her highest duty to them; if she fail in this, let her fear lest they be but a millstone around her neck to sink her into fearful punishment and disgrace. In education we spe-

cially call for aid. By all the evils which ignorance brings in its train, by the blessings of enlightened instruction, by the position in which we stand to the mother country, by the ties of kindred which bind many in England to some in Australia, by the bond of fellowship which connects every son of Adam, by the stronger tie which unites every disciple of Christ, by every feeling of humanity, interest, patriotism and religion, we ask for Britons to help us. One long, loud, united cry is heard across the waters, summoning to the help of Australia, and echoed back, we catch the pleasing message, that Britain obeys the summons, and is ready to our bidding. *To our bidding?* No! to the bidding of Him who says, "I give thee for a light to the Gentiles that thou mayest be my salvation to the ends of the earth." Britain! this is thy destiny; fulfil it. One word to Australia. We cannot ask for assistance, if we be not roused to exertion ourselves. Fathers, mothers, your children ask for a full and complete education, and the destiny of your childrens' children depends on your conduct now. Australians! you profess attachment to the land of your birth, prove yourselves true patriots; rest not till education spread over the land, till the tree of knowledge strike it roots deep, extend its branches, scatter its fragrance, and disperse its fruit in every valley, and over every hill of this beauteous clime. Oh God! do thou assist our labours, reward our zeal,

and with thine own benediction shelter, bless and prosper. "Let thy work appear unto thy servants, and thy glory unto their children, and let the beauty of the Lord our God be upon us, and establish thou the work of our hands upon us; yea, the work of our hands establish thou it!"

CHAPTER V.

THE CLIMATOLOGY AND DISEASES OF AUSTRALIA.

THE close connexion subsisting between meteorological agencies, and the phenomena of life is universally admitted. The production of some diseases, and the peculiar modification presented by others, characterize certain climates. The ague produced by the malaria of the Pontine marshes, the jungle-fever of India, the endemic diseases of Africa and the savannahs of America, afford ample illustrations of the truth of this remark. Dependent as is the animal organization of man upon the external circumstances of air, of temperature, of moisture, of food, and many other, perhaps equally influential, though less obvious conditions of the medium in which he lives, such as the electrical state of the atmosphere—alterations in any one of these must be productive of corresponding changes in the economy of his system. It would be inconsistent with the plan of this work to enter into any lengthened argument with the view of illustrating this proposition, the truth of which

has been acquiesced in by nearly all men, and in all ages. It is introduced on the present occasion with the view of anticipating the few subsequent observations on the "Climatology and Diseases of Australia."

The physical aspect of the Australian continent, so far as has hitherto been ascertained, is devoid of any of those striking features, which, from its great superficial extent, it might have been expected to present. The want of any very considerable altitude in the several mountain ranges that have hitherto been explored, and the absence of large rivers, is a remark generally applicable to the whole of Australia, although less so with respect to the eastern than to the western half. Indeed, the latter, in some localities, presents a remarkable deviation from the general physiognomy that belongs to the rest of the country; the mountains possess an Alpine character, and the chief rivers flow through long-extended tracts. The great dividing range, extending throughout the whole length of Eastern Australia, a distance of upwards of thirty degrees, attains in many points an altitude of not less than from seven to probably nine thousand feet. The summits of some of the mountains of Gipps' Land would appear to be within the limits of perpetual snow. If some parts of this great mountain barrier presents a lower elevation, one not exceeding two thousand feet; its average height may, however, be taken at about four thousand feet,

presenting bold, rocky, cliffs, and mural escarpments towards the sea. Its distance from the coast varies from fifty to one hundred and fifty miles, and its summit forms, in general, extensive table-lands, stretching away to the westward, and then terminating in the great deserts of the interior. This table-land is occasionally interrupted by isolated peaks, and low ranges, which appear, however, only occasionally to relieve the blank uniformity that pervades the great Australian steppes.

Little is known of the geognostic character of the great dividing range of Eastern Australia. Its southern extremity consists of primitive and transition rocks; succeeding to which is an immense deposit of sandstone, with which coal is associated, and which forms the predominant rock in the whole of the nineteen counties—the division of the colony first settled. The general direction of the great sandstone deposit being north and south, it is traversed by numerous fissures and ravines, called, in the language of the colonists, gullies, often of great depth, and constituting some of the most striking and impressive scenery that the colony presents.

The proximity of the dividing range to the coast necessarily circumscribes the course of the rivers flowing to the eastward. Those best known, and of the greatest importance, are the Hawkesbury, the Hunter, the Clarence, and the Brisbane, collecting the waters of the eastern slope of the

Blue Mountain range. The general character of these streams is, that in the upper part of their course they consist of mere mountain torrents, dry or forming water-holes during the summer season, and becoming converted into rapid streams during the rainy season. On attaining a lower level on the alluvial plains, they soon become blended with the reflex tidal current occasioned by the sea, and form brackish streams, flowing through lagoons of no great extent.

The waters, collected from the western slope of the mountains, form, however, rivers, which from the length of their course, if not from their volume, may be compared with some of the more celebrated streams of the Old World. The Darling, taking its origin from a region within the tropics, flows through a distance of probably not less than two thousand miles, before it reaches the ocean. Some of its tributaries, such as the Murumbidgee, springing from a high level, flow with considerable rapidity; the main trunk of the river, from its soon reaching a low level, is, however, characterized by its slow and lethargic course, and the extensive marshes through which it winds its way to the sea, are frequently subjected to wide-spreading inundations. The greater part of its banks appears to consist of an almost boundless extent of the richest alluvial plains. The Darling may be considered as the Mississippi of Australia. It will, like its American prototype, be one day the great theatre

of industry and enterprise; and doubtless, also, like the river just named, mingle its blessings with the evils of pestilence—the most lavish gifts of nature, with the poisoned exhalations of the stagnant morass.

As the Darling collects and conveys all the waters of the south-eastern part of Australia (excepting the comparatively insignificant streams flowing from the eastern side of the coast range), the discovery of some large river, the vehicle of the waters flowing to the northward, remains still to be made. The enormous accumulation of fresh water in the Gulf of Carpentaria, and the actual discovery of some considerable streams flowing into it, clearly point it out as the estuary of some great body of fresh water. The character of the low land surrounding the Gulf of Carpentaria, together with the concomitant circumstance of its forming the embouchure of a large river, afford interesting grounds for speculation as to the aptitude of this region for settlement by man, and for the advantageous employment of human industry.

The meteorological phenomena of Australia are not less anomalous than many of its other physical adjuncts. Taking its extreme northern and southern points, in S. lat. 11° and 39°, the difference of temperature appears, from all that has hitherto been ascertained, to be much less than could, *à priori*, have been expected. Captain Stokes found, in the mouth of the Albert, the temperature

of the water only 50° of Fahrenheit, in S. lat. 17°; while the mean annual temperature of Sydney, in S. lat. 34°, is 65.87. Unfortunately the statistics, upon which any very correct inductions can be formed as to the law regulating meteorological phenomena, are scanty, and do not extend over a sufficient space of time to justify much reliance being placed upon them. It may, perhaps, however, be affirmed, as a general rule, that whilst the extremes of the scale are not widely removed, the oscillations between the maxima and minima are frequent and exceedingly capricious. It is no uncommon thing for the thermometer to present a range within a few hours of thirty or even forty degrees. The sudden elevation of temperature appears to be dependent upon the hot winds blowing from the interior. In the neighbourhood of the coast, the alternation of the sea and land breezes preserves an equilibrium of temperature, which renders the heat of the summer season more tolerable than it is felt to be on the arid plains of the interior.

No accurate measurement of the quantity of rain falling during the year has been kept for a sufficient time to determine the real average for any lengthened period. The rains have, in the extra-tropical regions, much of the tropical character, being, to a certain extent, periodic in their visitations, generally violent, and of short continuance. Their effects soon subside, from the

rapidity with which the drainage of the soil is carried on, at all events, on the eastern side of the coast range; and it is no unusual thing to find the evils of severe drought arising within a few weeks after the fall of heavy rains:

> "arbore nunc aquas
> Culpante, nunc torrentia agros
> Sidera."

The total quantity of rain during the year 1844 was fifty inches, of which thirty inches fell during the months of January and October. It is alleged that as much as twenty inches have fallen within twenty-four hours, at the South Head of Port Jackson.*

So far as climate may be considered as influencing the organization of man, its effects in New South Wales appear to be analogous to those observed in countries elsewhere, of a tropical or semi-tropical character. Rapid growth, with early development of the physical as well as intellectual powers, characterizes each sex, but more particularly the female. This remarkable precocity appears, however, to be compensated for by early and premature decay. The girl of fifteen possessing all the charms, and many of the graces of woman-

* In the space of thirty-one hours, extending over part of the 25th, the whole of the 26th and part of the 27th of January, 1844, the quantity which fell at South Head was 25.6 inches.

hood, must, at the age of thirty, yield the palm to her, who, realizing the triumphs of her sex at a later, preserves them to a more advanced, period of life. This appears to be a law belonging to all warm climates; and it is not under the burning sun of an Australian sky, that we must ever look for the mature attractions of a Ninon de l'Enclos.

Whilst this acceleration of the springs of life appears to attend all those born under its influence, the Australian climate would seem to have an opposite effect on such as are only brought under its influence in middle or advanced life.* A sort of rejuvenescence appears to be induced; an addition made to what might have been looked forward to as the ordinary span of existence. Numerous examples might be quoted of persons arriving in the colony at the age of sixty and upwards, who have acquired new vigour—like trees transplanted into a more congenial soil. A hundred years has been the age attained by many before the colony had been settled half that period of time—instances too occurring in men, whose past lives had been fraught with hardship and severe penance, the fruits of irregular and vicious lives.

The scattered nature of the population, and the difficulty of collecting satisfactory statistical data,

* We do not understand on what principle the English insurance offices charge an extra per centage on the lives of persons resident in Australia, though we unhappily know such to be the case from lengthened experience.

renders all calculations as to the average rate of longevity, the ratio of increase in population, the influence or precise extent of particular diseases, matter of much uncertainty. Diseases generally may be said to assume the type they possess in analogous climates. Acute inflammatory disorders are rare, and the system of depletion, pursued by the practitioner of medicine in England, is one scarcely, if ever, called for. Derangements of the digestive organs are the most common of all maladies, accompanied often with hepatic derangement, and in the warm season by dysentery. Diseases affecting the circulating system, attended with every degree of aggravation, from that of organic lesion of the heart and larger vessels, to such as are the mere consequence of nervous sympathy, are of frequent, and almost daily occurrence. There is reason to believe, that the exciting nature of colonial pursuits, the exaggerated emotions of alternate hope and disappointment, which it is the lot of so many to experience, have had much to do with the production of this class of disorders. For similar reasons, diseases affecting the nervous system appear to be of great frequency.

The reputation which the climate of Australia enjoys, as to its being favourable for invalids suffering from tendency to consumption, appears scarcely merited. It has, at all events, been our lot to witness a large proportion (as large, perhaps, in proportion to other diseases, as what would be

likely to be found in many English towns of the same size) of cases of those who have fallen victims to this inexorable disease—in some instances, of those who were natives of the colony, in others, of individuals who had been many years previously resident in it, and who could hardly be supposed to have derived from a less congenial climate, the malady to which at length they were obliged to succumb.

Catarrhal affections often prevail epidemically, and are frequently followed by permanent affections of the bronchial tubes.

Rheumatism is of very general prevalence, and is apparently dependent upon the sudden atmospheric vicissitudes to which the colony is liable.

From the general absence of marsh miasmata, remittent fevers are seldom or never met with. This exemption may partly be owing to the absence of deciduous foliage in the trees, and the antisceptic character of most of the vegetable remains, when brought into a state of decay. The large proportion of tannin contained in all the gum-tree and mimosa tribes of plants, seems to preserve them from rapid decomposition, and from the exhalation of those noxious gases, which, under the designation of malaria, infect other parts of the world.

Small-pox has been hitherto unknown in the colony. Measles and scarlet-fever, (introduced through the agency of immigrant vessels) have

been productive of great mortality. The last-named disease swept off large numbers of the native-born population, who were attacked by it; and for the time it lasted, its influence was scarcely less fatal than that of the Asiatic cholera, on the first introduction of that disease into Britain. It seems to be the law with all epidemics of this class, that they should prove much more devastating on their first appearance in any country, than subsequently, after having expended their morbid energy, and when they become, as it were, acclimatized.

It is a duty incumbent upon the local government to keep this fact in mind, and to exercise due vigilance in the enforcement of quarantine regulations. The non-observance or neglect of these may lead to disastrous consequences, in a public, as well as a private point of view. The energies and prosperity of a young colony are immediately dependent upon the number of her inhabitants. Unlike old and over-crowded countries, the loss of a single citizen is to her a public loss; and a literal instead of a figurative application may be given to the axiom, that "the health of the people is an object of paramount importance."

CHAPTER VI.

THE ABORIGINES.

It was our intention to have devoted a considerable portion of our space to a chapter on the Aborigines of this country, giving some account of their origin, so far as it can be traced with any degree of probability, of their mythology, manners, and customs; and to have reduced to some system the language employed by them. For this purpose, we have for many years past been collecting a mass of materials respecting the natives of Van Diemen's Land, the remnant of whom are now domiciled on Flinder's Island, and also those of New Holland. The great length to which we have been led in the preceding chapters, has, however, occupied all our space, and we must, therefore, defer to another opportunity the arrangement of the information in our possession. Meanwhile, it would appear strange to send forth a "History of New South Wales," without referring at all to the sable natives of the

soil: a short notice will, consequently, be given in this place.

Notwithstanding the extensive machinery which has now for many years been employed, with a view of protecting the natives, and inducing them to quit their roving habits, and assimilate themselves to our mode of life—the best apologists for the Protectorate must own, that little good has been effected.

On the motion of Dr. Thomson, M.C., for Port Phillip, a return was lately laid upon the table of the Legislative Council of the expenses defrayed from the Colonial Treasury of New South Wales, of every Mission to the Aborigines within the Colony, and of the Protectorate, from the commencement to 31st Dec. 1842, and it was found to amount to the large sum of £51,807. 12*s*. 2¾*d*. to which is to be added half the expense of the Border Police, which is usually considered to be incurred on account of the Aborigines,—viz.: £27,716. 8*s*. 9*d*., making a total for this service of £79,524. 0*s*. 11¾*d*. Large as this sum appears to be, no one who has been in the habit of seeing and mixing with the poor creatures to whose protection and civilization it has been devoted, would regret its extent, provided he could see that any corresponding amount of good had been effected. We must honestly say, from all the sources of information open to us, that little or no "value" has been rendered for it.

Whether this want of success has arisen from some defect in the present system, we are at a loss to tell. Mr. Dredge, whom his Honour, the Superintendant of Port Phillip, describes " as the best fitted of the Assistant Protectors for the duty to which he was appointed, " declared his conviction, " that according to his judgment, the office, as at present constituted, must fail of attaining the benevolent and praiseworthy object for which it was created." Mr. Gunther, the Missionary at Wellington Valley, in his annual report, says, " If the work of civilizing and christianizing a savage race was dependent merely on human efforts, I candidly confess I should be ready to despair of the Aboriginal inhabitants of this country ever being raised from their degraded condition, since so little progress has hitherto attended this Mission, as well as various similar attempts in different parts of the country . . . . . . Amongst all those young men, who, for years past, have been more or less attached to the Mission, there is only one who affords some satisfaction and encouragement . . . . . He has gradually shaken off the yoke and dominion of the elderly men, and has banished many superstitious notions from his mind. As regards the others, I can give no very favourable account of them. Several of them who used to stay at, or frequent the Mission, resorted to their old migratory habits, and one, I fear, in consequence of depriving himself of the advantages and comforts of civilized life, to which

he for years has been accustomed, has lately died in a state of decline..... Their thoughtlessness, a spirit of independence, ingratitude, and want of sincere straightforward dealing, often try us in the extreme. Civilized habits, however much some may occasionally fancy them, or conform to them, will never, I feel convinced, become natural and easy to the present generation, unless a new principle be implanted in their minds, and a thorough change effected by the influence of Christianity.... The evils resulting from polygamy, (which is permitted by the vile as well as absurd code of laws prevailing amongst these people), are great and manifold. On the one hand, it causes constant strifes and fightings; on the other hand, the elder or influential men, possessed of a plurality of wives, being, in reality, only the keepers of them, have it in their power to hold out certain allurements to the young, who cannot obtain wives, and by obliging the latter, as it is considered, the former can command, or extort implicit obedience. This accounts for the fact, that Aboriginal males, however useful and steady they may have been among Europeans when boys, so soon as they grow up to manhood, fall back into their wandering unsettled habits.

"I lament much that the difficulty to obtain Aboriginal children for instruction, has increased almost to an impossibility. In whatever direction I go, even at a distance of forty or sixty miles, the parents conceal their children, as soon as they hear

that a missionary approaches their camp; and when I come upon them by surprise, I have the grievance to observe these little ones running into the bushes, or into the bed of the river with the utmost rapidity."

The Rev. J. C. S. Handt, in speaking of the natives of Moreton Bay, says: "Should they receive any article of clothing, it is seldom seen any more, for they tear it in pieces for head-bands, and divide it among their acquaintance.

"Their food, when in the bush, is almost every kind of animal which they can get into their possession; the fruit of some trees and shrubs, the roots of several plants, and occasionally some honey. They cannot possibly reside on any particular spot for a long period together, as roots and game would soon become scarce; they generally keep, however, within their territories, which they have distinctly marked out between themselves, but their camp is moved about every five or six days."

When speaking of the decrease in their numbers which is yearly so apparent, the same gentleman goes on to say: "several fights have taken place among them; but this is not the chief cause of their decrease, as their fights bear rather the character of warlike games, in which seldom more than one, and frequently none at all, is killed, but merely some wounded. One of the principal causes of their decrease is, the diseases to which they are subject, and particularly that which Providence

has ordained to be the scourge of excess and debauchery, and from which even the children are not exempted. Some of them have died of consumption and dropsy; another principal cause of their decrease is, the prostitution of their wives to Europeans. This base intercourse not only retards the procreation of their own race, but it almost always tends to the destruction of the offspring brought into existence by its means, for they generally kill the half-caste children as soon as born. The number of children, is, consequently, but small, when compared with that of the adults. The proportion of males to females is likewise unequal, the former being about one third more than the latter; this circumstance frequently induces the men to steal their wives, and this has given occasion to many a bloody strife."

The cause of the diminution in the number of blacks stated by Mr. Handt, is undoubtedly the true one. It does not arise from *want*, for it is well known that there is abundance of food convenient for them, even in those quarters whence the kangaroos have been expelled by the residence of the whites. In the country districts, it does not arise from intemperance; that is but rarely seen, excepting in towns, where they learn the vile habit from those who should show them a better example. A glance at their habits will convince us that the true solution of the question is to be found in *disease*.

The climate of New South Wales is sometimes very hot, at other times, severely cold. In the winter months we have alternate wet and frost. The natives have no huts, and are scantily clothed. Instead of preparing opossum skins for a covering, as they formerly did, they now trust to the issue of government blankets, which are not issued sufficiently frequently to protect them against the inclemency of the weather. They are very intemperate in eating, and thus, with a variable climate, and without shelter, it is obvious that when disease comes, it attacks them with more than its native virulence.

"Exposed then," as has been well observed by a writer in the New South Wales' Magazine, "to vicissitudes of weather, unsheltered, unclothed, susceptible of diseases, ignorant of remedies, even if they were within their power, and the object of new and dangerous diseases, who will wonder that the race should be in rapid progress of extinction."

The whole of the reports from the protectors and others well able to judge, speak with but little confidence of any good resulting from the services. The plan most likely to succeed would be, to obtain their children; but on this point there are many difficulties to be overcome. Not only are the parents unwilling to give up their children, but if they do so, the youths are sure to return to the bush when grown up. We knew an instance of two boys called Joey Tamar and Teddy Flinders,

who, when infants, were placed in the Queen's Orphan Schools near Hobart Town, and when they had grown, no sooner did they find an opportunity of getting "out of bounds" than they betook themselves to the woods, until, at length, it was found impossible to tame them, and they were removed to join their fellows on Flinders Island. This is a strange propensity, and difficult to be accounted for, as it could not have arisen, in the cases to which we are referring, from early associations, since they were babes at the time of their reception into the orphan schools.

We extract from the "*Port Phillip Herald,*" the following interesting paper, from the able pen of Mr. Assistant Protector Parker, on the manners, customs, and traditions of the Aborigines of the North-western, or Loddon River District.

"Many erroneous opinions have been entertained respecting the character and habits of the Aborigines of Australia, and it has been commonly asserted that they are totally destitute of any notions worthy of the name of religious opinions. In the earlier period of my acquaintance with them, I entertained similar views, but further communication has induced a conviction that a traditional mythology exists among them, rude and obscure, indeed, but in all probability the indistinct relics of some older and more complete system. It must be sufficiently obvious to all who have had much intercourse with the native tribes, that they are

exceedingly reluctant to speak on these subjects; a circumstance readily accounted for by the fact, that whatever notions they entertain of supernatural beings, all refer to objects of fear and dread, and not of love. The older natives can scarcely be brought at all to speak about their traditions; but from the young men, I have latterly obtained some more definite information than I formerly possessed, which appears to me of sufficient interest to become matter of record.

"I have long been convinced that in addition to a general notion of the existence of an immaterial principle in man, which survives the body, the Aborigines entertained opinions bearing a rude analogy to the metempsychosis of the Oriental mythologies. They have cherished the idea that the souls of their deceased friends pass into the bodies of certain species of birds. How long this is supposed to continue, and what may be the result of the change, they are either unable or unwilling to tell. The belief also has been very general that the whites who have occupied their country were formerly "black fellows," who have passed into a new and highly improved state of existence. It is remarkable that the designation given to the white inhabitants of the colony in most of the dialects of which I have heard, (*amydeet*, Jajowrong, *amerjig*, Koligan, *amy gai*, &c.) appears to be identical with the words used to describe the soul when separated from the body.

I once, and but once, saw a singular ceremonious dance, on the Loddon station, which was called "Yepéne amy gai," or dance of separate spirits. It was avowedly a novel affair to nearly all the actors, and was taught by an old man from the westward, since dead. In this ceremony, after a very singular and not unpleasing dance with branches in either hand, all, with the exception of the two old men, who were leaders, came together to one spot, and gradually bent towards the ground, becoming slower and slower in their motions, till they were entirely prostrate. They remained perfectly motionless for some time, and a mournful chant was sung over them, and they were said to be "dead." The two old men then went round them several times, and seemed to be driving something away with their boughs, singing at the same time with increasing energy till they became very loud and rapid. Then at a given signal they all sprang to their feet, and recommenced their dance. They were then said to be "alive."

"I have made many inquiries to ascertain whether any notion of a superior power or deity existed among the tribes with which I am in communication. I think I have found a distinct tradition of the supposed existence of a being possessing some of the attributes of a deity. The name of this imaginary being is *Binbeal.* They assign to him the making of an original pair, from whom has descended the present race of

man. There is evidently much vagueness and obscurity in their notions on this particular topic. But they are more distinct in their representation of the relation he is to bear to them after death. He is said to take the spirits of deceased natives and subject them to a sort of purgatory, placing them in fire to try them whether good or bad; the good are at once liberated, but the bad are made to suffer for an indefinite time. They have sometimes replied to my enquiry, "who made all things," &c., "Binbeal," but the reply is given in a doubtful and hesitating manner, and it is a frequent acknowledgment with them that they are "very stupid," and know little about the great facts of creation and Providence.

"Other traditions exist among them referring to the origin of certain natural objects. Thus they believe in the existence of another mythological being called *Bonjil* or *Pundyil*, who, however, is said to have been once a "black fellow," and a remarkable locality is indicated as his residence when on earth. This is the deep basaltic glen or hollow, forming the fall of "Lallal" on the Marrabool, near Mr. Airey's station. He is now represented as dwelling in the sky, and it is curious that they call the planet Jupiter "Pundyil," and say it is the light of his fire. This Pundyil is said to have found a single kangaroo, emu, and other animals on earth: that he caught them, cut them up, and by some mysterious power, made each

piece into a new kangaroo, &c., and that hence the country was filled with these animals.

"Another tradition professes to account for the origin of the Pyrenees, Mameloid Hills, and the neighbouring heights. It is ridiculous enough in its details, but supposes them all to have originated in a single immense mountain, which was torn to pieces by the action of fire. The volcanic character of the district may seem to suggest the source of this notion.

"Of all the objects included in their rude and savage superstitions, none appear to exercise more influence on the native mind than the fear of the *Mindye*. They apply this term to a large species of serpent, which is universally asserted by the natives to exist, in the hitherto unexplored country, between Mitchell's Outward Line and the Murray. The object of dread, however, is a supernatural being having the form of the animal just named. This being is represented as having the power of inflicting disease and death when invoked by incantations. The existence of any epidemic or endemic disease is always ascribed to its influence. It is remarkable that the small pox, which from the accounts given by the natives, must at times have proved a terrific scourge to them, is called "*Monola Mindye*," or the dust of the Mindye; and the scars left by it "*Lillipook Mindye*," or scales of the Mindye. The whirlwinds which in the summer season carry up columns of dust to a

great height are much dreaded by the Aborigines. To be included in the vortex of one is regarded as a sign of speedy death, because it is said to be an indication of the presence of the Mindye; it is in fact called "its tail." The men who are regarded as magicians or conjurors profess to derive their power from some pretended communication with this object. Although there seems to be nothing deserving the name of a regular religious rite among them, I am disposed to think, that some peculiar ceremonies which have been observed within the last two years, are intended to propitiate this dreaded phantom, and to avert the consequences of its anger. And I think in their ceremonies and superstitions may be traced the obscure and nearly obliterated relics of the ancient *ophilatria* or serpent worship, still extant in India and Africa.

"I am fully convinced that these wretched superstitions have far less hold upon the minds of the younger part of the aboriginal population than on the middle aged and elderly people. Some of the young men openly ridicule their notions; and it is remarkable how very few attempt to question the truth of what is stated to them on religious topics. Their traditionary superstitions are too dim and indefinite to give the mind much pre-occupation, and the estimate which they have formed of the superior knowledge of the whites, predisposes them to listen, at least with respect, to what may be inculcated.

"I have thus briefly sketched a few of the traditionary superstitions of the Aborigines. I do not however profess to give this as a complete delineation of the subject. Other details have been given to me, but the information I have received is not yet sufficient to communicate. I have little doubt that more extended acquaintance with their language and opinions, and increasing confidence on their part, will elicit many interesting circumstances in connection with their history and associations."

In one of the preceding extracts, it was remarked that honey was occasionally one of the means of subsistence of the natives. The following account of their manner of collecting it, will be found interesting:

Wild Honey, or, as the natives call it, Choogar Bag, is collected by a small stingless bee, not so large as the common fly. The honey-nest is generally found at the summit of remarkably high trees. When the lynx-eyed native discovers it from below, there he will stand with his head up, making a dead point at it until it is attained by his *gin*, who immediately begins with a small tomahawk, and by a rapid action of the wrist, to cut a notch in the bark of the tree, large enough for her great toe to rest upon. Winding her left arm round the body of the tree, she adroitly raises herself to this notch, and there

rests the ball of the great toe of the right foot. She then cuts a notch above her head and quickly ascends to this; and so on in like manner until she reaches the dizzy height to which she is directed from below, exhibiting throughout the most astonishing stretch and pliancy of limb, and the most wonderful absence of all fear of danger. She recklessly advances towards the extremity of a fragile bough which appears ready to break. If she can reach the honey, she seizes it, and places it in a sort of calabash slung round her neck, at the same time holding her hatchet in her mouth. Where she finds it impracticable to reach the honey, she cuts off the branch, which, with its mellifluous appendage, falls to the ground at the feet of her sable lord, who stands below. The honey is of delicious flavour, after it has been carefully separated from the comb, the cells of which are generally filled with small flies. The natives, however, devour it just as they find it, and are very fond even of the refuse comb, with which they make their favourite beverage called Bull, and of this they drink till they become quite intoxicated.

Ko-in, Tip-pa-kál, and Pórráng, is the threefold name of an imaginary evil being among the natives. They say he was always black as he is now; that he resembles themselves, and resides

in thick brushes and jungles, making his appearance mostly by night. In general, they think he precedes the coming of natives from distant parts, when they assemble to celebrate certain mysteries, as knocking out the tooth in a mystic ring, or when performing some dance. He appears painted with pipe-clay, and carries a fire-stick in his hand; but generally it is the doctors—a kind of magicians—who alone perceive him, to whom he says, "Fear not, come and talk." At other times they say, when they are asleep, he comes and takes them up, as an eagle his prey, and carries them away. The shout of the terrified ones who are left, occasions him to drop his prey; otherwise he conveys them to his fire-place in the bush, where he deposits his load close by the fire. The person carried off tries to cry out, but cannot, feeling himself almost choked: at day-light, Koin disappears, and the black finds himself conveyed safely to his own fire-side.

Tippa-kal-lé-un, Mail-kun, Bim-poin, are the names of the wife of Koin. She is a much more terrific being than her husband, whom the blacks do not dread, because he does not kill them; but this female being, not only carries off the natives in a large bag-net beneath the earth, but she spears the children through the temple dead, and no one ever sees again those whom she obtains.

Ko-yo-ró-wén, the name of another imaginary being. His trill in the bush frequently alarms the blacks by night. When he overtakes a native, he commands him to exchange cudgels, giving his own which is extremely large, and desiring the black to take a first blow at his head, which he holds down for that purpose, after which he smiles and kills the person with one blow, skewers him with the cudgel, carries him off, roasts, and then eats him.

Kur-ri-wilbán. The name of his wife; she has a long horn on each shoulder growing upward, with which she pierces the Aborigines, and then shakes herself until they are impaled on her shoulders; when she carries them to the deep valley, roasts and eats her victims. She does not kill the women, they being always taken by her husband for himself.

Put-ti-kán, another imaginary being, like a horse; having a large mane and tall, sharp like a cutlass. Whenever he meets the blacks, they go towards him and draw up their lips to show that the tooth is knocked out, when he will not injure them; but should the tooth be left in, he runs after, kills and eats them. He does not walk, but bounds like a kangaroo, the noise of which on the ground, is as the report of a gun, calling out as he advances, "Pir-ro-lóng, Pirro-lóng!"

Pór-ro-bung, the name of a mystic ring, in which they dance and fall down at certain periods. From pór, to drop down.

Yu-lung is the name of the ring in which the tooth is knocked out. The trees near the ring are marked with rude representations of locusts, serpents, &c., on the bark, chopped with an axe, and similitudes of the nests of various quadrupeds are formed on the ground near the spot. They dance for several days, every morning and evening, continuing the whole of the night: no women are allowed to join in the ceremony.

Mur-ro-kun, the name of a mysterious bone, which is obtained by the Ka-rá-kul, a doctor or conjuror, three of whom sleep on the grave of a recently interred corpse, where in the night, during their sleep, the dead person inserts a mysterious bone into each thigh of the three doctors, who feel the puncture not more severe than that of the sting of an ant! The bones remain in the flesh of the doctors, without any inconvenience to them, until they wish to kill any person, when by unknown means, it is said and believed, they destroy in a supernatural manner their ill-fated victim by the mysterious bone, causing it to enter into their bodies, and so occasion their death!

Múr-ra-mai. The name of a round ball, about the size of a cricket-ball, which the Aborigines carry in a small net suspended from their girdles of opossum yarn. The women are not allowed to see the internal part of the ball; it is used as a talisman against sickness, and it is sent from tribe to tribe for hundreds of miles on the sea-coast, and in the interior; one was shown to the Rev. Mr. Threlkeld, (from whom this account, with much other most interesting information is derived), privately in his study, the black betraying considerable anxiety lest any female should see the contents. After unrolling many yards of woollen cord, made from the fur of the opossum, the contents proved to be a quartz-like substance of the size of a pigeon's egg. The native allowed Mr. Threlkeld to break it, and retain a part. It is transparent like white sugar-candy. They swallow the small crystalline particles which crumble off, as a preventative of sickness. It scratches glass, and does not effervesce with acids. From another specimen, the stone appears to be agate of a milky hue, semi-pellucid, and strikes fire.

Nung-ngún, a song. There are poets among them who compose songs which are sung and danced to by their own tribe in the first place, after which other tribes learn the song and dance, which

itinerates from tribe to tribe throughout the country, until, from change of dialect, the very words are not understood by distant blacks.

Yár-ro, literally an egg; but mystically, to the initiated ones, it means fire or water. By this term, in asking for either element, the fraternity discover themselves to each other. Their name for women is kun-nai-ka-rá, when the tooth is knocked out of the men, and themselves are called yi-ra-bar, previous to which they are styled ko-ru-mun. The ceremony of initiation takes place every three or four years, as young lads arrive at the age of puberty, when mystic rings are made in the woods, and numerous ridiculous ceremonies are gone through, before the operation of displacing the tooth in the upper jaw, which is effected by three steady blows with a stout punch, from the hand of the ka-rá-kul, after which the youths may seize a woman, and engage in their fights.

The following glance at the Language of the native tribes of New South Wales may interest the curious:—

Their letters are, A, B, E, I, K, L, M, N, Ng, O, P, R, T, U, W, Y.

The vowels *a*, *e*, *i*, *o*, *u*, are thus sounded:

A as *a* in far; *e* as *e* in where; *i* as *e* in Eng-

land; *o* is pronounced as in the English word no; *u* as cool.

When two vowels meet together, they must be pronounced distinctly, as niu-wo-a.

DIPHTHONGS.

ai rhymes with eye, as ko-lai, wood.
au „ with cow, as nau-wai, a canoe.
iu „ with pew, as niu-wo-a, he.

CONSONANTS.

B is pronounced as in the English words *be*, *crab*.

D as heard in *deed*, if used at all.

K as in *King*, *kirk*.

L as in *lord*, *ell*.

M as in *man*, *embark*.

N as in *nun*, *no*.

Ng is peculiar to the language, as sounds in *ring*, *bung*, whether at the beginning, middle, or end of a word.

P as in *pea*, *pip*, *pipe*.

R as in *rogue*, *rough*, *Rome*; whenever used, it cannot be pronounced too roughly; when double, each letter must be heard distinctly.

T as heard in *tea*.

W as in *war*.

Y as in *yard*.

ACCENTS.

The language requires but one marked accent, which serves for the prolongation of the syllable; as bón, him; bún, the root of the verb to smite. The primitive sound of the vowel is thus retained, which otherwise would be affected by the closing consonant, as bun, the root of the verb "to be accidental," rhymes with *fun*; but bún, to smite, rhymes with *boon*, a gift.

PARADIGM OF THE ACTIVE VERB.

Bún, *to smite.*

INDICATIVE MOOD, PRESENT TENSE.

Singular.

1. Bún-tan* {
   - báng, *I strike some object now.*
   - bi, *thou strikest.*
   - nó-a, *he strikes.*
   - bo-un-tó-a, *she strikes.*
   - ngá-li, *this (at hand) strikes.*
   - nga-ló-a, *that (close to thee) strikes.*
   - ngá-la, *that (spoken of) strikes.*

Dual.

2. Bún-tan* {
   - ba-li, *thou and I strike, we both strike.*
   - ba-li no-a, *he and I strike.*
   - ba-li, bo-ún-to-a, *she and I strike.*
   - bu-la, *ye two strike.*
   - bu-lá bu-lo-a-ra, *they two strike.*

* When the object is to be specified, the word denoting it must be placed in the situation of the asterisk: as Bún-tán, bón-báng, *I strike him:* but a thing thus, Bun-tán bang un ni, *I strike this:* so also in the dual and plural.

Plural.

3. Bún-tan* { ngé-eu, *we strike together some object.*
nú-ra, *ye strike.*
bá-ra, *they strike.* }

A single tense given above will suffice for the object we had in view.

A few illustrations must close this branch of our subject.

	ENGLISH SENTENCES.
Ngán ke bi ? Ngatoa. Who be thou ? It is I.	Who are you ? It is I.
Kore unni, nukung unnoa. Man this, woman that.	This is a man, that a woman.
Wakun to minnaring tatán ? Crow what eats ?	What does the crow eat ?
Wontakal bara ? What place of they ?	What countrymen are they ?
England kal bára. England of they.	They are Englishmen.
Munni noa katéa kan. Sick he is become again.	He is sick again.
Búntálla tia bara wonnai Struck me they child bám ba. I as.	They beat me when I was a child.

As we have thus at random given a few specimens of the language of New South Wales, it may not be amiss to add vocabularies of the languages, or rather, dialects formerly in use

by the natives of Van Diemen's Land. These vocabularies are interesting as belonging to a race all but extinct, who only a few years ago were the terror of all the inhabitants of that colony; but whose peaceful capture and safe transmission to Flinder's Island reflect so much credit on the judgment of the late Lieutenant-Governor of Van Diemen's Land, Sir George Arthur.

NATIVE LANGUAGES OF VAN DIEMEN'S LAND.

EASTERN LANGUAGE.

Lalena, *day.*
Lutregela, *fine day.*
Lamilbena, *drake.*
Malbina, *wild drake.*
Lewnana, *den.*
Lugana, *to drink.*
Waldeapowt, *to-day.*
Magra, *a day.*
Comtena, *dog.*
Catrabuteany, *dry.*
Rekuna, *emu.*
Lepena, *eye.*
Legana, *evacuate.*
Pelverata, *ears.*
Rówella, *elbow.*
Pinega, *flying.*
Ulta, *frost.*
Ragana, *forest doe.*
Munwaddia, *feathers.*
Munbamana, *father.*
Pulbena, *frog.*
Muna, *fog.*
Langana, *foot.*
Trew, *fist.*
Niparana, *face.*
Gunta, *earth, or ground.*
Robenganna, *goose.*
Rowennana, *gull.*
Rodidana, *grass.*
Leguma, *dress, or covering.*
Lila, *gun.*
Comthenana, *grass tree.*
Ludeneny, *girl.*
Tabelty, *go on, walk.*
Enganama, *eagle hawk.*
Pueta, *black hawk.*
Pathenanaddie, *head.*
Lethana, *hair.*
Anamana, *hand.*
Lewrewagera, *island.*
Lachranala, *large island.*
Nannabenana, *knee.*
Mengana, *get.*
Bungana, *king, or chief.*
Kigranana, *kangaroo pouch.*
Reprenana, *kangaroo rat.*

Canara, *or* cuiena, *little.*
Plerenny, *lad, or boy.*
Lathanama, *leg.*
Canara, *magpie.*
Powamena, *mother.*
Twinwalla, *mountain.*
Lowlobengang, *old man.*
Youla, *mutton birds.*
Youtantalabana, *mouth.*
Leware, *night.*
Lemana, *oak.*
Petibela, *old.*
Lowlapewanna, *old woman.*
Pebleganana, *old man.*
Milabena, *opossum.*
Taralangana, *oysters.*
Trewdina, *pelican.*
Trewmena, *porcupine.*
Mena, *pipe.*
Leipea, *woman's.*
Montumana, *rivulet.*
Warthawina, *large river.*
Moltima, *to run.*
Mabea, *round turn.*
Waddamana, *very large river.*
Oldina, *snow.*
Carney, *to shout.*
Petreanna, *sun.*
Palana, *stars.*
Lenigugana, *little stars.*
Lenicarpeny, *large stone.*
Robigana, *swan.*
Nemewaddiana, *sheep.*
Ratacrareny, *sulky.*
Relipianna, *strong, or able.*
Nashaproing, *to stop.*
Crackeunicka, *sit down.*
Ganna, *teeth.*
Mena, *tongue.*
Camena, *chin.*
Lepera, *neck.*
Padina, *bandicoot.*
Publedina, *badger.*
Pleragenama, *brother.*
Wagley, *breast.*
Wadcheweana, *blush.*
Lucrapeny, *boat.*
Miulean, *belly.*
Towereela, *bread.*
Cateena, *cow.*
Largana, *cat.*
Badany, *little child.*
Legana, *fresh water.*
Tapera, *come here.*
Powena, *crooked.*
Patarola, *fine.*
Leni, *water.*
Naracoopa, *very good, or very handsome.*
Lutana, *moon.*
Lewarry, *night.*
Cuchanahu, *little girl.*
Wibia, *black man.*
Lubra, *black woman.*
Ludowing, *white man.*
Cuchana hudawinna, *a little boy.*
Lucropony, *boat, or ship.*
Moomara, *wood.*
Leprena, *house.*
Baircutana, *horse.*

WESTERN LANGUAGE.

Lullaby, *boat.*
Martula, *circular head.*
Pellree, *Cape Grim.*
Panatana, *Port Sorell.*
Paranaple, *River Mercy.*
Cartela, *seal.*
Lula, *foot.*
Peea, *leg.*
Tula, *thigh.*
Cawarany, *belly.*
Dema, *neck.*
Lewlina, *ears.*
Meha, *nose.*
Pollatoola, *eyes.*
Palanina, pareata, *hair.*
Manrable, *face.*
Cania, *mouth.*
Yannalople, *teeth.*
Tullanee, *tongue.*
Alree, *arm.*
Reannemena, *fist.*
Pulbeany, *head.*
Lola, *gun.*
Benkelow, *bullocks.*
Rulemena, *sheep.*
Canalla, *to shout.*
Tatana, *father.*
Pamena, *mother.*
Loputallow, *dog.*
Neperana, *cat.*
Narapalta, *crow.*
Publee, *swan.*
Lopa, *fire.*
Mogo, (mocha), *water.*
Nabowla, *river.*
Nannee, *stone.*
Nata, *ground.*
Weela, *wood.*
Wallantanalinary, *the country all around.*
Tablety, *walking.*
Meevenary, *sit down.*
Gannemerara, *come here.*
Mella, *run.*
Memana, *fight.*
Patanela, *devil.*
Nabageena, *sun.*
Weena, *moon.*
Marama, *stars.*
Locla, *sky.*
Emita, *sand, or earth.*
Myria, *grass.*
Megra, *grass.*

SOUTHERN LANGUAGE.

Una, *fire.*
Mena, *me, or mine, or I.*
Nena, *you.*
Nara, *they, he, her, then, or that.*
Nuka, *this, or here.*
Naba, *other.*
Crackena, *stand, sit, stop, or stay.*
Tackany, *go.*

Lapree, *see.*
Manuta, *long way, or long time.*
Pairanapry, *by-and-bye, soon.*
Pootia, *no.*
Rargeropper, *devil.*
Carby, *bad.*
Tunapee, *to know.*
Palewaredia, *black man.*
Numeraredia, *white man.*
Lubra, *woman.*
Par-me-ry, *one.*
Cal-a-ba-wa, *two.**

Mena coyetea nena.	*I love you.*
Mena mulaga.	*I'll go and hunt.*
Mena lapey lucropey tackay penituta mocha carty manuta.	*I see a vessel on the water, sailing fast, but she is a long way at sea.*
Mena mulaga laveny powa parmera, tara, lathakar, catabewy, probylathery, pamery, haminen, trairna, pooty, lapry, patrola, pomely, pooty, ribby, mena, leprena, mena.	*When I went hunting, I killed no less than one walloby, one kangaroo, two badgers, and one black swan, and being hungry, I felt in my pocket for my fire-works, in order to make a fire and cook some of my game, but I found none. I therefore had to walk home before I broke my fast.*
Malathana - mena - tackay, mulaga, pooty, nara pamery, lowgana, lee calaguna, cracky, carticata, ludaurnny, parobeny nara moogara nara mena loewgana, reethen tratyatetaytobantheelinga nara laway, rel-bia, mena, malathina, mobily, worby, ' puayunthea.	*When I returned to my country, I went hunting, but did not kill one head of game. The white man make their dogs wander and kill all the game, and they only want the skins.*

* For a higher number than two, the native blacks always say *Car-di-a.*

A SONG.

Taby-ba-tea-mocha-my boey-wa
Taby-ba-tea-mocha-my boey-wa
Taby-ba-tea-mocha-my boey-wa
Loma-ta-roch-a-ba-long-a ra
Loma-ta-roch-a-ba-long-a ra.

SONG.

Poo-ye-carne-koon a meta
Num ba, keta-rel-ba-ena
Too-ya-wa-ta-loo-ta-warra
Koon-a-meta pan-ta war-ra
A-ka-la-leba-iony-eta
A-ka-ba-mar-keen-a.

SONG.

A-re-na-too
Ket-a-ta-e-vepa
Mel-re pa-too
A-re-na-too.

SONG.

Ne-par-me-ry-wa
Ne-cat a ba wa
Ne-par-me ry wa
Ne-cat a ba wa.

With respect to the luxuries we have introduced amongst the Aborigines, they preserve the English names with a very little variation, which may be observed in the above song, such as *tea-boey*, (boy.) *Wa!* is an exclamation of surprise, and sometimes of satisfaction.

GENESIS.

CHAPTER I.

1. In the beginning God created the heavens and the earth.

2. And darkness was upon the face of the deep.

3. God said let there be light, and there was light.

4. And God saw the light that it was good, and God divided the light from the darkness.

5. God said let the earth bring forth grass, and it was so.

16. God made two great lights, the greater light to rule the day, and the lesser light to rule the night, he made the stars.

17. God set them in the firmament of heaven to give light upon the earth.

21. God made great whales, and every living creature that moveth which the water brought forth abundantly.

25. And God made the beast of the earth and he saw it was good.

26. And God said let us make man in our own image, after our own likeness.

27. And God created man in his own image.

31. And God saw every thing he had made, and behold, it was very good.

TRANSLATION.

(BY WILKINSON, AT FLINDER'S ISLAND,)

1. Trota, Godna pomale heavena coantana.

2. Lewara crackne.

3. Godna carne, tretetea, tretetea, crackne.

4. Godna capra tretetea lawarra.

5. Godna carne coantana, nigane rothana rotana tibra.

16. Godna pomale cathabewa tretetea lackrana wahalenna narra pomale purlanna.

17. Godna propara narra wealicatta tringane trecktea.

21. Godna pomale lackrane penungana, cardea penungana.

25. Godna pomale panalla, illa, tabela, sheepana, Godna capra narra coopa.

26. Godna carne, mena pomale, wibeelicka mena.

27. Godna pomale wibalicka narra.

31. Godna capra, cardea, narra pomale, narra carne—narra coopa ! coopa !

The letters F, S, V, X, and Z, seem to be excluded from all the vocabularies before me, and as they are likewise wanting to the language of New Holland, it speaks in favour of a common origin.

I am at a loss to decide the manner in which the Aborigines of this island apply the article, but I imagine it is found at the end of the substantive, as was the practice of our Scandinavian ancestors, and is so at this day amongst some of the northern nations of Europe. For example: Herremand signifies Squire in the Swedish language. In England we should say *the* Squire; but in Sweden, Herremand*en*, thus placing the article at the end.

I have put down the words as I found them, but to meet the correct pronunciation, we should add the soft *h* where any word ends with an *a*. The name of the late chief of Cape Portland is generally written "Manalarguna," but the true way of spelling it would be "Mannalarguna*h*."

Since giving the reader the above vocabularies, I have observed in one of the public records, several words which could by no possibility belong to any of the three languages named. This exceedingly perplexed me, and I wrote to a friend at Flinder's Island to furnish me with some explanation, which could easily be obtained from the Aborigines. I have recently received a letter on the subject, and now find that there

are actually four Aboriginal languages:—that of Circular Head is different from the others. However, some common and strange words are introduced, which I mark in italics. It is also remarkable, that although the black natives of Van Diemen's Land have been at the depôt several years, they have made little or no progress. Their words are limited to things actually seen, but we find some applicable to the affections of the mind and the heart. All the words without exception, end with an "*a*," and I strongly suspect that the words of the other languages ought to have a similar termination, although the ear may not have caught the right sound.

I also infer from the termination of "*a*" in the various languages, that they must have had one common origin.

CIRCULAR HEAD.

Moon, *webba*.
Sun, *loyna*.
Star, *murdunna*.
Fresh water, *moka*.
Sea, *neetraba*.
Break wind, or hut, *tama lee-berinna*.
Crow, *lina*.
Parrott, *carcuca*.
Swan, *cocha*.
Eggs, *palinna*.
Blow-flies, *mounga*.
Fire-wood, *walliga*.
Eat, (*giblee*) *newenna*.
Fire, *leipa*.
Ground, *longa*.
Night, *crowrowa*.
Day, *loyowibba*.
Rain, *talawa*.
Rain drops, *reidena*.
Wind, *loyoxanna*.
Crystal, *stcka*.
Spear, *faccah*.
Waddie, *rocah*.

Man, *penna*, (*wybra*).
Woman, *lolna*, (*lubra*).
Children, *loowunna*, (*pecanini*).
Kangaroo, *lalliga*.
Wallaby, *tana*.
Bandicut, *lenni a*.
Cockatoo, *eribba*.
Eagle hawk, *corinna*.
Porpoise, *parappa*.
To walk, *terriga*, (*tablee*).
Tiger, *lowewinna*.
Flower, *paracka*.
Snake, *powianna*.
Devil, *talba*.
To run, *tagowinna*.
To laugh, *tenalga*.
To cry, *targa*.
Hair, *parba*.
Hand, *rabalga*.
Foot, *labucka*.
Head, *ewucka*.
To corroboree, (Sydney), *terragomna*.
Pelican, *lawaba*.
Albatross, *tamima*.
Woombat, *quoiba*.
Porcupine, *milma*.
To see, *lamunicka*.
Eye, *mamericca*.
Nose, *rowarriga*.
Tongue, *mamana*.
Teeth, *cawua*.
Ear, *cowwanrigga*.

Amongst the most interesting of the manners and customs of the blacks, of Australia and Van Diemen's Land, are the ceremonies observed with respect to the disposal of their dead.

In Van Diemen's Land it was observed that different tribes buried their dead in different manners. Those to the south were burned, a large pile of wood having previously been heaped up and set fire to; for scarcely was the body dead before it was placed among the flames, and even when it appeared that a native could not long survive, preparations were made for consuming the body the very moment life had fled.

Other tribes, again, when it was not convenient to carry off the dead body to some place of inter-

ment, would put it into some hollow tree, in as upright a position as possible; and to preserve him in this position, a spear was struck through his neck into the tree. Another spear was left with the dead, in the same manner as our Scandinavian ancestors deposited the arms of the departed warrior with him in the grave. The Aborigines could assign no other reason for burying their dead in an erect posture, except custom.

Whenever they approached places where any of their countrymen had been so deposited, they would on all future occasions avoid coming near such spots, and would rather go miles round than pass close to them. Nothing could offend an Aborigine so much as to speak of, or inquire about his dead friends or relations.

There is a part of the island, consisting of large plains, beyond the River Ouse, in a north-west direction, where the various tribes of the eastward and interior used to meet, in the month of November, every year, there to hold a grand corrobory, and to exhibit feats, and to engage in certain sports in which they took a lively interest. Mr. Jorgenson, in 1829, thinking to fall in with them on the plains, himself headed one of his parties, and ordered two other of his roving bands to take a circuitous route, so as to meet nearly at the same time at Lake Fergas, on the southern extremes of the plains.

This year, however, the blacks did not assemble

at the usual place for fear of being surprised. On Mr. Jorgenson's return, passing down from Lake Echo to the Shannon Point, in one of his journals I find the following description, which I quote in his own words:

"In passing slowly down the western side of the Shannon, Mungo, our black guide, arrested our attention. He conducted us to a number of large rocks, some projecting a considerable distance over the gully below; and extremely difficult of access. Under one of these projecting rocks, we found a species of cave, where Mungo pointed to a heap of flagstones, round which were placed, in a very compact manner, pieces of gum-bark, the whole appearing altogether as a small pyramid. This was a grave, and in the middle of it was deposited a spear, pointed to the depth of two feet, and the upper end of it pointed with a human bone. We opened the grave with our bayonets, and in so doing, we met with several layers of flat stones, placed in such a manner, that an English resurrection-man would find it more difficult to open one of those graves than most in one of our church-yards.

"At the bottom, we found some human bones, which, from the state they were in, clearly indicated that they had for a long time remained in the grave. After examining the grave with its contents, we again placed everything as we had found it, and covered the grave, in like manner,

with the stones and the gumbark, so as to avoid giving offence to Mungo, who did not behold unmoved our sacrilegious invasion of the solemn and silent repository of one of his countrymen, whom he described as a great warrior from the circumstances of his burial. When I asked Mungo the reason of the spear being stuck into the tomb, he replied quietly, 'to fight with when he is asleep.' He also confirmed the generally received opinion, that the Aborigines buried their dead in an erect position."

So far Mr. Jorgenson, yet to me it would appear from the foregoing, that the Aborigines must entertain some faint notions of a future state, and that connected with some sort of warfare. Many ancient nations, as I have before observed, used to deposit in the grave with a departed warrior, his arms and other trophies. At the time I speak of, the words "dead" and "sleep" were synonymous with the black natives of Van Diemen's Land.

We have thus hastily put together some of the information we possess respecting these interesting races of beings. We could not avoid introducing a few remarks on the language of the Van Diemen's Land natives, though somewhat out of place, as they are, ere long, to be numbered with those things that once were, but are gone for ever. Those of New Holland still remain, and, difficult as is the subject of their treatment, we do sincerely trust that their claims upon us, who have invaded

and taken possession of their hunting grounds, may not be forgotten. We cannot do better than close with an extract from a late despatch of Lord Stanley's on this subject to Sir George Gipps :—

"I cannot conclude this despatch without expressing my sense of the importance of the subject of it, and my hope that your experience may enable you to suggest some general plan by which we may acquit ourselves of the obligations which we owe towards this helpless race of beings. I should not, without extreme reluctance, admit that nothing can be done—that with respect to them alone the doctrines of christianity must be inoperative, and the advantages of civilization incommunicable. I cannot acquiesce in the theory that they are incapable of improvement, and that their extinction, before the advance of the white settler, is a necessity which it is impossible to control. I recommend them to your protection, and favourable consideration with the greatest earnestness, but, at the same time, with perfect confidence, and, I assure you, that I shall be willing and anxious to co-operate with you in any arrangement for their civilization which may hold out a fair prospect of success."

CHAPTER VII.

SYDNEY AND ITS ENVIRONS.

SYDNEY, the metropolis of Australia, is situate in 33° 52′ south latitude, and 151° 17′ east longitude. It derived its name from Lord Sydney, his Majesty's Secretary of State for the Colonies, at the period when this territory was formally taken possession of by the British Crown. The harbour to the town is called Port Jackson, and the story most current tells us that it received this appellation from the name of the man at the mast-head, who first discovered it. Australians are accustomed to vaunt themselves on their harbour being capable of containing the shipping of a world. We believe it is, and for beauty, as well as capacity, it is scarcely equalled, certainly not surpassed, by any known port. Well do we remember the thrill of rapture with which we welcomed its splendid scenery, as it first burst upon us on a fine Australian autumn day, and that too after a long baffling with waves, buffeting with storms, patient

endurance of calms, and all the monotony of a sea voyage, interrupted only by the shock of a tempest; by the terror of an adverse gale. The inlet into this harbour from the broad Pacific, is by an opening of nearly two miles in breadth, guarded on either side by bold majestic headlands, known by the names of the North and South Heads. Sailing up, beauties present themselves continually. The wooded shores, with the neat cottage or the stately mansion peeping from among the trees, the little islands with which the waters are dotted, the noble vessels riding at anchor, the steamers and small craft plying about, the view of the town with its spires, its smoking chimnies and its windmills; these, and more than these, present so many objects to the delighted gaze, that we may well pardon those who boast, with no little pride, of so magnificent an ornament to their town, so splendid a minister to their opulence, their health and their enjoyments too. Different points of land present themselves in our progress up the harbour. First we are struck with a bold headland, called Middle Head, which forms the separating point between Middle Harbour and Port Jackson. A little farther on we come to Watson's Bay, Vaucluse (the beautiful seat of W. C. Wentworth, Esq., one of our city members), George's Head, Shark Island, Bradley's Head, and a little to the right of the last mentioned, is a small island rock, known by the not very elegant name of Pinchgut, so

called, it is believed, from the circumstance of some poor unfortunate having been confined there with but a meagre supply of the good things of this life. A small reef goes by the very classical appellation of the "Sow and Pigs. Many bays of greater or less extent and beauty are formed by the undulations of the shore on each side, and often islands diversify and adorn the scene. The largest is called Garden Island, and is rightly so designated. It is a beautiful retired spot. Here rest in peace all that remains of Mr. Bent, formerly Judge Advocate of New South Wales, and Brigadier Major Ovens, formerly private secretary, &c., to Sir Thomas Brisbane. One can scarcely imagine a more peaceful scene. Their requiem is now sung by the soft ripple of the waters breaking on the pebbly beach, and the sighing of the zephyrs among the trees that overshadow their resting-place. This is one of the largest islands in our harbour, containing about nine or ten acres. Hither the citizen, hackneyed in business, tired even to nausea of the scenes in the bustling world around him, hither he delights to retreat, and, in its woody recesses, feels himself almost secluded from the world, except, indeed, as nature's softest, purest scenes are stretched before him, and he thus learns directly to rise from "nature up to nature's God;" the best feelings of the soul may here be excited; the trees, the rippling streams have voices which speak of God; the graves of the departed lead to serious

and devout contemplation, and on this island altar many a sacrifice, we believe, has been and yet will be offered up to the God, who has so beautifully invested this scene with softness and grace.

> "The calm retreat, the silent shade,
> With prayer and praise agree,
> And seem by Thy sweet bounty made
> For those who follow Thee."

Whatever part of the harbour may be observed, the same picturesque beauty strikes us at every side. Each one, according to his own past associations, connects these beauties with those which, in other lands, he has held and still holds dear. The Scotchman thinks of his Loch Katrine, and Loch Lomond; the son of Erin remembers the Lakes of Killarney; and the traveller almost imagines himself going on the Lago Maggiore, or the Lakes of Geneva, and Neufchatel. To each of these have we heard different points of our harbour, as seen from different parts of the town and neighbourhood, compared; and yet it has something peculiar to itself, something which distinguishes it from all other spots, and clothes it with a beauty in which nought besides stands invested. Strangers may, perhaps, imagine we are painting this picture in colours too bright; Australians, and those who know the scenes to which we refer, will, we are sure, chide us for the imperfect outline we have presented: suffice it to say, that we are almost persuaded of the truth of a remark, made by a

fellow-passenger as our ship sailed up this harbour, who, after enumerating some of the dangers and annoyances of a tedious voyage, while gazing on either shore, and the thousand beauties all around, exclaimed with enthusiasm "this sight atones for all!" Before we conducted our traveller so far, we should have directed his attention to that object which is the first signal of land to the weary mariner on the Broad Pacific. We refer to the Light House. This beacon forms no unimportant and uninteresting feature in the scene. It is situate on the South Head, and was erected by Governor Macquarie. It stands at a considerable elevation above the level of the sea, and, by its revolving light, guards from the dangers and terrors of the deep. This is a sight always beheld with pleasure, whether regarded as a safe-guard against dangers, of which there is no other warning, or as a land-mark—the first land-mark which strikes the attention, which repays for the toils of the voyage, and welcomes the stranger to new shores. By its elevated situation, it is also visible from many parts of the town, and from the many associations necessarily connected with it, forms a pleasing object. To this point the citizens are accustomed to direct their excursions on days of pleasure and freedom from business: it is about seven or eight miles distant from the town. It has been complained that Sydney is but imperfectly fortified. On Bradley's Head, and the

Island of Pinchgut, forts have been erected, and considerably nearer the town are Dawes' Battery and Macquarie Fort; the latter, however, is now being dismounted. Dawe's Battery is not very plentifully supplied at present with any large pieces, and may the day be far, very far distant, when they may be required. From this point guns are fired on occasion of her Majesty's birth-day and other gala days, and happy shall we be, if we never need it for any less peaceful purposes. We must not omit to observe that from either of the two forts, a very beautiful view of the harbour is afforded. From the latter (Macquarie Fort) the view is diversified by a more complete view of the town than is obtained from any points to which we have before referred. At the extreme north end of the town, on an eminence, on which formerly stood Government House, is the Flag Staff, which receiving its signal of the arrival of vessels from a similar station at South Head, communicates the information by a set of well understood signals through the town itself, and again to another telegraph situate six or seven miles from the town.

We will now suppose a voyager who has entered the Heads, and sailed up the harbour, landing at Queen's Wharf, and just setting his foot on the shores of Sydney. He will see along side this wharf, vessels loading and unloading, small colonial

vessels which trade along the coast, and numerous small boats whose owners will be lazily sauntering on the Quay, or on the "qui vive" for a fare. Having got clear from these, he turns to the left, and finds himself in George Street, the street, which in Sydney, answers to the High Street of English Market Towns, or, in other words, is the street for business. From one extremity to the other, it is nearly two miles, and is intersected by a great number of other streets, lanes, &c. It was called George Street, from his late Majesty George the Third. Many streets in Sydney derive their names from late Members of the Royal House, or Ministers of the Crown. Hence we have York, Sussex, Clarence, Kent, Cambridge, Cumberland, Gloucester, and Pitt, Castlereagh, Bathurst, Liverpool, and Goulburn Streets. Some also receive their appellations from former Governors of the colony, as Hunter, King, Bligh, Phillip, and Macquarie Streets. But we have left our Traveller in George Street, not knowing which way to proceed, and he has taken the opportunity of looking at the "Australian Hotel," which is the first house he sees as he passes up the street. We know not what may be the feelings of others, as they, for the first time, walk up this street; we know only in our own case, they were feelings of peculiar admiration for "Old England," whose enterprise had extended so far from her own little sea-girt Isle,

formed a flourishing colony almost at the antipodes, and there completely stamped her own impress.

The hotel to which we have referred, is a neat, respectable house, mostly resorted to by those concerned with the shipping interest. The farther we proceed, the more shall we see the proofs of business around us. The merchant's store well loaded with goods, the tradesman's shop tastefully laid out, tempting the purchaser, the vehicles of every kind, and even the hackney coaches and cabs, which are seen plying about in all parts of Sydney and its suburbs, crowding the public road, and the busy foot-passengers jostling each other on the pavement: all these prove the existence, and the extension, too, of trade and commerce. One of the first buildings with which the stranger is pleased, is the Bank of Australasia, a handsome building. This is known to be a branch of a London company, incorporated by royal charter, and in comparison to Colonial Banks, has been called the "Goliah." The hours of business at this, and the other Banks are from ten to three, except on Saturdays, when they close at one. The Bank of Australasia is a handsome building, containing extensive offices for the transaction of business, and a dwelling house for the managing director.

We should not have passed by without notice the extensive auction-rooms and handsome dwelling house of Mr. Lyons, the principal auctioneer in the

town. Pursuing our course up George Street, and, passing in our way some well-arranged shops and large stores, auction-rooms, &c., we must just stop a moment at the Bank of New South Wales, the oldest in the colony, and, as its name implies, a Colonial Company; it has nothing particularly to attract notice; it has a dwelling-house for the cashier of the Bank, and has one advantage which other Banks do not possess—in being contained within railings, standing at a distance, from the public road. Opposite to this building are the Military Barracks, which are well adapted for their purpose. Military Barracks have a similarity in their arrangement wherever we see them. They form a thoroughfare from George Street to other parts of the town. If we were inclined to make any objection, it would be to their position. We do not see any good end to be accomplished, but rather evil likely to arise from their being situate in the heart of the town.

New Barracks are now in course of erection at a convenient distance from the bustle of Sydney, and it is to be hoped will be constructed on a more extensive scale, as now tents are pitched for the temporary accommodation of those men for whom there is no other room. In this climate it must be obvious that the evil effect of this will be very great. We say in this climate, because, beautiful as is the temperature of Australia, we are yet subject to many sudden changes, from which it requires

care to prevent evil consequences. The Post-office is situate in George Street, a little above the Bank of New South Wales. It is divided into two compartments, the one for the delivery, the other for the receipt of letters. Its hours for transacting business are from nine to six. This is the only depôt for all communication by letter for Sydney and the suburbs for six or seven miles round. Branch offices on the plan of two-penny-post receiving houses in London, will, doubtless, soon be established as the population and business of the town increase. At five p.m. the inland mails leave; and this is, consequently, the busy time at this office. We then see a faint resemblance to that inspiring scene which takes place at St. Martin's-le-Grand at eight o'clock, p.m.

We have some very respectable mail-coaches, reminding the English traveller of former days; and the postman's horn is heard throughout the streets of our crowded metropolis, and twangs over the bridges and valleys of our smaller towns. We must pay a passing compliment to the regularity with which this department of the public service is conducted. The business is most extensive, and is, on the whole, managed with commendable accuracy and despatch by James Raymond, Esq., Post-Master General, and his subordinates.

The number of letters despatched from this office in the year 1843 (taking the four months from May to August as an average) was 622,773.

The number of Newspapers in the same period was 905,709 : comparing this with similar returns in 1837, we find the number of letters has increased in these six years 2⅓ fold, and newspapers 3½. The average number of letters to each person in the colony is 5.14, of newspapers 5.66. The charges are in some cases high, owing to the difficulty of rapid communication. We pay far less for letters from our friends at home, than we do from those in any part of the colony, even from the nearest post-town, distant only fifteen miles from Sydney. It has been proposed to establish a cheap uniform rate of postage, but whether the plan will be at present carried into operation is doubtful. The sum derived by the Colonial revenue in 1843 from Post Office collections was £16,566. 9*s.* 3*d.*

We must speak in high terms of commendation of the arrangements for markets. The whole market is divided into four large sheds. One is occupied by butchers and poulterers, containing thirty-six stalls. Another by the venders of fruits and vegetables with thirty-three stalls. The other two are less used, one being principally devoted to the sale of potatoes and other vegetables on a large scale, and the fourth is scarcely used, except on public occasions, for city meetings, and twice a year for a show of flowers, vegetables, &c., under the direction of the Australian Floral and Horticultural Society. The internal arrangements are under the control

of the City Corporation, and are similar to those prevailing in most market towns at home.

We must speak in high terms of the order and cleanliness which prevail in these buildings. They are open every day in the week from six o'clock in the morning till sunset, and on Saturday till eleven, p.m. The market on Saturday evening is a favourite rendezvous for the strollers, some of whom may, indeed, be looking for a Sunday's dinner, but others of whom are simply passing away a vacant hour. In an abundant fruit season, it is a delightful and peculiarly grateful thing to see the well stocked stalls with the fine fresh fruit just brought in from the surrounding country. Really, we have no cause to be ashamed of our market (which is a little Covent Garden) in its measure.

Next to the market, is the Sydney Police Office, where business is transacted. It is one of the earliest among the buildings we have mentioned. It stands back from the street, having a large yard before its entrance. It is divided into two Courts, —the one is generally devoted to the trial of Free, the other of Convict offenders. In addition to these, there are rooms for Magistrates, Offices for Clerks, &c. The Police of Sydney is under the direction of a Commissioner, and the Force, at present, consists of one Commissioner, one Chief Constable, one Assistant Constable, four Inspectors, thirteen Serjeants, and seventy Constables. In this department, our city has considerably improved

of late years; it yet needs a more complete cleansing from defects and errors of former systems.

The salaries should be sufficiently high to induce men of character to enter the corps, and the fees upon the detection of crimes should be regularly arranged on such a scale, and with such restrictions, that no encouragement should be afforded to a hateful system of intrusive espionage, nor should men find it (as they have too often) a much more profitable thing to detect a slight violation of some particular act, than to punish the grosser outrage upon morality and social order. We must not leave the main street without noticing the Royal Hotel, a building which we hesitate not to say would be an ornament to any city in the world. The extent of the lower saloon may be estimated when it is stated that here upwards of three hundred sat down to dinner on occasion of a grand civic feast given by the first Mayor of Sydney.

On the first floor are sitting-rooms, which open into a verandah, and which are separated from each other by folding doors; and which when thrown open present a room seventy feet in length. The bed-rooms on the upper floor are commodious and airy. From the top of the house a fine panoramic view of the town is presented. The wings are arranged for the accommodation of private families, and settlers from the interior. All the necessary and usual accommodations in an hotel are on an equally superior scale.

Behind the market, are the City Council Chambers. Sydney was favoured with a Municipal Corporation in 1842, and the first election of Councillors, &c., took place on the 1st of November in that year. The Corporation, as now constituted, consists of twenty-four Councillors, from whom are elected by the Council, six Aldermen, one of whom acts as Mayor. The whole city is divided into six wards, bearing the following names: Bourke, Macquarie, Phillip, Brisbane, Gipps and Cook wards. The name of the last is derived, of course, from the immortal Captain Cook; the others, as will be at once observed, from the present and past Governors of the Colony. The building now set apart for the use of this body is a neat substantial structure, but has nothing particularly to call for notice. It was formerly used as an hotel, but is now materially changed, of course, in its internal arrangements. The Council-room is handsomely furnished; and offices are scattered through the building for those who transact the business of the Corporation. The late Mayor, Mr. Alderman Wilshire, and many of the Councillors, are natives of Australia.

A few steps from the Council Chambers, situate also in York Street, is one of the neatest buildings Sydney can boast—the Jews' Synagogue, lately erected by that body. They were accustomed formerly to meet in a room; but having received a piece of land by the liberality

of a private individual, they have built this handsome structure. The windows of stained glass add a beauty to the building, and give a soft religious light in the interior. The edifice is not large, but sufficiently so for all the purposes required. We will now return into George Street, and turning down one of the streets running eastward from the main thoroughfare, we shall find ourselves in Pitt Street. This street runs parallel to George Street; and parallel to it again are Castlereagh, Elizabeth, and Macquarie Streets. These are intersected by streets running at right angles, serving the purposes of communication with the farther eastern extremity, and connecting the intermediate streets with the chief line of traffic.

A similar arrangement prevails on the western side. In Pitt Street, we observe the Mechanics' School of Arts, which has no attractions as a building, but which deserves notice as an important and valuable institution in our rising town. It contains a lecture-room, capable of containing from three hundred to four hundred persons, a library of tolerable extent, and a set of rooms for the librarian, who resides on the premises. It numbers at present, two hundred and eighty-two members. Here lectures are delivered in the winter season, on subjects of science (the institution possessing a good philosophical apparatus), and general literature. Classes for music and drawing have been formed,

and also a debating society, which holds its meetings once a week in the season. It is a favourable feature of our community, that it is a reading community, and if information be conveyed in a pleasing and attractive form, we shall find many anxious to avail themselves of it."

Pursuing our course, we cannot fail to notice, as we pass down Pitt Street, the handsome shops occupied by linen-drapers. Whether we regard the excellence of their arrangements, the sterling value of the commodities, the costliness of their large and showy windows, and, at night, the glistening splendour of their lamps, sometimes most tastefully ornamented, we cannnot but feel proud of our city, and even the stranger must acknowledge that these houses of business would not disgrace any of our older towns in the mother country.

The theatre, known by the name of the Royal Victoria Theatre, is situate in this street. It is an elegant little building, having a very extensive stage, two tiers of boxes, the dress and upper circle, a pit, and gallery. The prices of admission are: dress circle, 4*s.*; upper boxes, 2*s.* 6*d.*; pit, 1*s.*; and gallery, 6*d.* The house is open every night. Most of the strangers who visit it are struck with the size and neatness of this place of public amusement. The character of the performances, too, is generally respectable. Although we can seldom attempt the higher walks of tragedy, we have yet made successful "hits" with domestic

dramas, comedies, and farces. Our pantomimic corps is strong, and with the return of Christmas, we have always our full force brought into requisition.

At the present time, some of the most popular operas are being brought out with commendable care and correctness. The following are taken at random as some of the pieces performed during the last twelve months:—"William Tell," "Brutus," "Luke the Labourer," "The Irish Tutor," "Hamlet," "Macbeth," "The Waterman," "The School for Scandal," "The Rivals," "The Seven Sisters," "The Hibernian Father," "Love, Law, and Physic," "The Pilot," "Guy Mannering," "Rob Roy," "La Sonnambula," "Cinderella," &c.

We may also congratulate ourselves that we have as little vice in connection with the theatre, either before or behind the curtain, as in most towns of the same size; nay, far less, when it is remembered we are an extensive sea-port, and when the character of some of our population is taken into consideration. This remark may, indeed, be applied to the moral state of our town in general, which, as far as outward decency goes, is in a tolerably healthy state.

The next public building of any importance which will attract the attention of the traveller through Sydney, is the Union Bank of Australia. This has always struck us as one of the neatest structures our Australian metropolis can boast. It

is situate at the junction of Pitt and Hunter Streets, and comprises, as do the other banks to which we have referred, a dwelling-house for the Managing Director. It is built of stone, obtained from the quarries in the neighbourhood of the town.

Crossing Hunter Street, we enter O'Connell Street. Start not, gentle reader, at the name; the place bearing this designation is calm and peaceful as you can desire. We have no "agitation" here, save the calm agitation of shrubs and flowers which adorn the little gardens smiling on either side, fanned as they are by soft zephyrs, gaily playing around. Whatever opinion may be entertained of the name, but one can be held regarding the street. It is one of the most "tasty" in Sydney. The houses, as we have already hinted, have gardens before them, some of which are kept with much neatness by their careful owners. Here may be seen our native and English plants, vying which shall outshine the other, which shall more adorn the garden-plot, which more perfume the air. O'Connell Street received its name in honour of the worthy Commander of the Forces, Sir Maurice O'Connell.

At the junction of this and Bent Streets, stands the Club House. We, of course, do not boast of the splendid external appearance or magnificent internal decorations which the celebrated club houses of London present. The house to which we now refer has, on one side of the entrance hall,

a spacious reading-room. The rest of the establishment is fitted up in the usual way, and is possessed of the usual accommodations. The institution has a fair measure of support, especially from the respectable settlers in the interior of the country.

It is proposed to continue the line of Pitt Street, carrying it on to the Quay; it will thus be rendered the main street in the town; and, when completed, the line of road for traffic, nearly two miles in length, will, besides its vast accommodation, be no small ornament to our fair city. We may remark of the streets of Sydney generally, that they are very regular and well formed. Pitt Street and Castlereagh Street are almost in straight lines, though each extends about a mile and a half.

In the immediate neighbourhood, is situate the Government House. We cannot speak in terms of very high commendation of this vice-regal dwelling. It presents nothing more for notice than can be obtained from the house of any gentleman of moderate fortune. It commands a beautiful view from the front verandah, and though situate within five minutes' walk of the bustle of the town, is yet delightfully retired. Its situation is, indeed, well chosen, being in the immediate vicinity of almost all the public offices. The internal arrangements are, for the most part, as good as the contracted space will allow. The principal room,

the ball-room, is accustomed to present a gay appearance on occasion of entertainments given by the Governor of the time; but none of the apartments have anything to recommend them in size or elegance.

The reproach of having a mean dwelling for a Governor, is now, however, wiped away, for the new Government House, of which we shall have occasion to speak presently, leaves nothing to be desired. Near to the house now occupied by his Excellency, stands a building which attracts the notice of every visitor. It is of brick, and has something about it of the style of old baronial buildings, mentioned in chivalry and romance. The visitor, however, on coming near to it, is disappointed in what he thought its extent, and is still more surprised to find that the use to which it is appropriated, is to provide a dwelling for those quadrupeds which wait on his Excellency's pleasure, and are to be ready to his command. In simple truth, this is the government stables, though some have been disrespectful enough (and we confess ourselves among the number), as they have seen it for the first time at a distance, to mistake it for the residence of Royalty's representative. Really the mistake is pardonable.

The new Government House deserves more than a passing notice. It is, in every respect, worthy of the colony. We may, indeed, say that it is no

little honour to the colony to be able to point to this as a colonial work. This building was commenced in 1837. The plan and elevation being designed by E. Blore, Esq., architect, in London, and the erection entrusted to M. W. Lewis, Esq., the colonial architect; colonial builders contracted for different parts of the work, and to a great extent, the materials employed in the building and ornament of this edifice are colonial.

"The main body of the building," we quote from an account contained in the New South Wales' Magazine for July, 1843, "is 170 feet long and 40½ feet high. The part at the north end being an addition to the original plan, and comprising the butler's pantry, housekeeper's rooms, servants' hall, kitchen, &c., is 70 feet long. On the eastern side are situate the ball-room, 50 feet by 28 feet, exclusive of the orchestra; the drawing-room, 40 feet by 28 feet, (having also a large recess in a bay-window), and the ante-drawing-room 15 feet by 28 feet. This suite of rooms, which communicate by folding-doors, when thrown open, extends 105 feet. The dining-room is a well-proportioned and elegant room, lying transversely to the rooms just described, measuring 45 feet by 26 feet. The whole of these rooms are 26 feet high, and are finished in a superior style."

After being ushered into the entrance hall, from a porch situate to the left in our view, we enter

another hall, from the centre of which rises a remarkably fine stair-case, which branches off on either side, communicating with the audience, private secretary's, and aide-de-camp's rooms, &c. This stair-case is really a noble specimen of Australian workmanship, and is built of cedar. The chimney-pieces are all of colonial marble. So much for the interior. Of the exterior a correct view is presented in our sketch. The tower at the



New Government House.

north end is 20 feet square, and 70 feet high from the base; the flag-staff is 30 feet high. The stacks of chimnies, rising 13 feet above the roof, are of exquisite workmanship, and tend not a little to add to the beauty of the whole edifice. Two

turrets will be observed on either side of the entrance porch; these are 70 feet high, standing prominent 10½ feet from the building; between these extends an arch, surmounted with the royal arms.

Our minuteness in describing these particulars has arisen from a desire to award due praise to those who have reared in this Australian capital so handsome a structure, reminding the traveller of the castellated edifices of ancient times, as also to show by the detail of figures, that, separated as we are by continents and oceans from our father-land, we have yet the pride of the British-born to rear in their land such buildings as their sons may be proud to contemplate; structures so firm and enduring, that the storm may shake, but cannot destroy; time may wear, but cannot consume. May the solidity, the splendour, and elegance, of this vice-royal mansion be an emblem of Australia's future history. Firm may she be in substantial wealth, rendered magnificent by the character of those who shall be nursed in her bosom, and adorned with every grace which growing civilization, extended knowledge and widespread religion, can impart. This mansion is not yet occupied by the Governor, though the ball-room, &c., were opened by his Excellency Sir George Gipps, 24th May, 1843, on occasion of the ball given, according to annual custom, on her Majesty's birth-day.

The buildings extending to the right are the Government stables, to which we have referred. The statue of Sir Richard Bourke, the late Governor, is itself a fine specimen of workmanship, having been executed by Bailey. It bears a lengthy inscription, containing a flattering eulogium on Sir Richard. It was opened to the public on the 11th of April, 1842, which became a general holiday through the town, and on which occasion, his Excellency, the present Governor, in a speech he then delivered, declared that the view presented from this spot equalled in loveliness any scene in the known world. We cannot, bold as is this assertion, accuse his Excellency of exaggeration. It stands at the head of a long wide gravel-walk, leading to the Government Domain and Botanical Gardens, to which we shall advert presently; it overlooks, as will be seen, a considerable part of the harbour; in its immediate vicinity smile green fields, and the native shrubs scattered here and there in the landscape, add grace and loveliness to the scene. The white turrets of the Government House, sparkling in the sun, raise their tops above the trees. On the farther shore is the rugged beauty of natural fertility, diversified here and there by the studied grace of artificial cultivation; here and there peep a few chimneys to speak of the dwellings of man; while about the harbour are to be seen ships of every size, spreading their sails to catch the prosperous winds of Heaven, and cutting

gracefully through the waters, which as they disturb they adorn.

The whole scene is one of real enchantment: not one feature is wanting to make this spot of observation one of surpassing loveliness. Nature has clothed herself in her gayest and softest dress: she walks on the headlands, scattering her every grace; she broods over the waters, which glisten with a lustre elsewhere not known, peaceful as the lake, but varied as the ocean. Art, too, has tasked herself to the full to crowd in this spot her choicest treasures. On the bosom of the waters she has placed the floating castles of our land; the proud bold shores she has clothed with neat cottages, smiling fields of plenty, and we have seen how she has reared a structure, which lifts its head amidst all this loveliness, to which it lends an additional grace. Description fails in giving an adequate view of this spot: it must be seen to be appreciated, and even then it may truly be said:—
"Quoties videbis, toties, magis placebit."

We have stated that this is at the entrance to the government domain and Botanical Gardens. Of this extensive and beautiful promenade, suffice it to say, that it commands an uninterrupted view of the harbour: that, although it possesses as much romantic beauty and placid calmness as can be found in the remote country, yet not one of its different entrances is distant more than a few minutes walk from the very heart of the town, and

it thus affords freely to be enjoyed by all, and without inconvenience or sacrifice, a complete "rus in urbe," a secluded retirement for the man of contemplation, a gorgeous and profusely abundant feast for the true lover of nature, as well as a field of research for the man of science; a relief and refreshment to the busy and industrious citizen: it recruits wasted energies, renews exhausted powers, and adds an attraction to our fair city, which few towns that we know, even in the Mother Country, can boast of possessing. The gardens in the centre of this domain are arranged with much taste and neatness. They are under the care of a superintendent and overseer, who receive salaries from the Colonial Government. They are open to the public from sunrise to sunset, with (of course) the one restriction:—"Noli me tangere." Here flourish our finest colonial shrubs and plants, as well as those introduced from other countries. Fruit and vegetables grow to great perfection. The throwing these gardens open to the public serves many useful purposes: not only does it afford a pleasant promenade, but it induces a love for botanical science; it inspires an attachment to Nature's works; it leads (we have known instances) the youthful mind to seek a more intimate acquaintance with those beauties which here cannot but be admired.

Another view presents an entrance to this pleasant walk from a different part of the town, the

entrance being from the small lodge seen in the distance to the left. The houses which are seen on the hill, are situate at Woolloomooloo. This strange name (peculiarly characteristic of the Aboriginal dialect) has been given to what may be termed the "West End" of Sydney, though, strictly speaking, it lies on the eastern side. It is situate about two miles from the town. Some of the houses have a beauty which would not disgrace older cities. They are fronted and surrounded by grounds, adorned with the luxuriant produce of the land. In this neighbourhood reside the Colonial Secretary, Sir Maurice O'Connell, the Bishop of Australia, the Speaker of the Legislative Council, and many of our colonial aristocracy. The view itself is taken from a small lodge situate close to the Sydney College, which stands off from what is generally called the Race Course, or Hyde Park. This is a healthy open common, fenced off in four different departments. It contributes materially, we believe, to the health of the City of Sydney, that it enjoys within a few minutes' walk of its busy streets, the privilege of open and healthy public grounds, exposed to the bracing sea breezes, and all the advantage of an Australian air. This common, or park, as it is termed, is almost entirely surrounded with houses, the situation being of late much chosen for its healthy character. Of these houses, the principal and most elegant, we may, indeed, say the most elegant in Sydney, are those

which are known by the name of Lyons' Terrace. They are so called from Mr. S. Lyons, the enterprising owner of the property. They are six in number, and are in their internal arrangements similar to some of the handsome dwellings in our squares and parks at the west end of London. The first occupied by the Honourable, the Colonial Treasurer, C. D. Riddell, Esq.; the second by J. Thacker, Esq., a wealthy merchant; the third at present unoccupied; the fourth by W. H. Hart, Esq., Superintendent of the Bank of Australia; the fifth by his Honour, Chief Justice Stephen; the sixth, and smallest, by A. W. Young, Esq., Sheriff of New South Wales. They are really first-rate dwellings, and the proprietor may well be proud of having at considerable cost reared such splendid edifices. They are let at from about £280, to about £400 per annum. They command extensive views from the front and back, and the stabling, &c., and out-houses are every thing that can be desired.

We must now turn to a very different building at the opposite extremity of Hyde Park, which is known by the name of Hyde Park Barracks, and is used as a prison for the convict population. This building is well adapted for its purpose, containing accommodation for a great number of men. The different barracks are kept scrupulously clean, and the utmost order prevails throughout the establishment. It may just be mentioned, that the

view from the highest back window is one of the most beautiful and extensive which Sydney can boast. Passing the trees to the left, we enter a gate which leads us to the hospital, a neat and commodious building, in one wing of which is situate the Sydney Dispensary, instituted for the promotion of those objects which its name imparts. These buildings are situate in healthy parts of the town, being close to the government domain, and in a part where they may catch all the advantages of the sea breeze. The hospital is under the control of resident and non-resident officers, and opens its doors to all those who need its generous assistance. The Sydney Dispensary is, for the most part, supported by voluntary contributions. It was established in 1826, and numbers among its supporters, members of all religious denominations, and is under the patronage of his Excellency, the Governor. Passing along Macquarie Street, we come to the Council Chamber.

The former Council was accustomed to meet in the building which stands on the right, and round a table, with the Governor at the head, where the affairs of our colony were discussed and settled. When, however, a Representative Assembly was granted to us, it was necessary to enlarge the place of meeting. The New Council Chamber was, therefore, erected under the direction of the Colonial Architect, and provides accommodation for the thirty-six Members, a Strangers' and

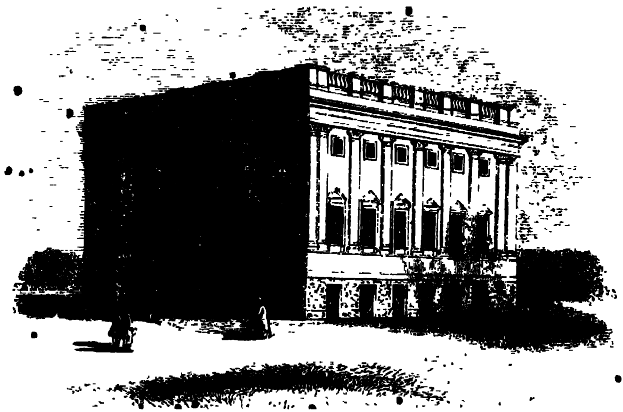
Reporters' Gallery, with retiring, Speaker's and Committee Rooms. The Council met in it on the 1st of August, 1843.

Immediately opposite is a large handsome house, on which we must make a few remarks. It was the property of the late Mr. Burdekin, one of the Aldermen of our city. It is built of beautiful sandstone, and contains every accommodation for a gentleman's mansion: it commands an extensive and delightful view of the harbour, &c. It is only to be regretted that instead of being situate in the midst of a street, it is not in a more open part, and surrounded by grounds and shrubberies. As it is, it is an ornament and a pride to our town. The cost of erection was considerable.

The building, before which bend the weeping willows, is the Friends' Meeting House. In the distance is seen a gate with a long straight tree on the right side. This is one entrance to the Government House. The tree is a specimen of the Norfolk Island Pine, which grows to great perfection, and to a considerable height. It has been known to reach two hundred feet in a perfectly straight line.

A little to the right, beyond the limits of this view, is at present in course of erection, a handsome edifice of the Corinthian order for the Australian Subscription Library. When completed, the Library will be one of the largest and most handsome rooms in the colony: viz: 76 feet by 40

feet, and 28 feet in height, with a light gallery supported by Corinthian columns. In the Library of this Institution are at present nearly thirteen thousand volumes, with a large supply of periodicals, and English and Foreign newspapers are regularly received. This is one of the most



Australian Library.

flourishing Literary Institutions in the colony, having received munificent grants from government, and enjoying a large number of members. These members are admitted by ballot, and are either proprietors, who pay an entrance fee of £5, with a yearly subscription of £2, or subscribers who pay £3 annually. For temporary accommodation, till the new building is

completed, the Institution occupies rooms in Macquarie Place.

Having now referred to all the buildings worthy of note within the limits of the city, we shall, before closing, take a slight glance at some which are a little removed from the town. Of these the first in order which we shall mention is the New Court House. It is surmounted with the royal arms, and immediately over the principal entrance is this inscription: "Hanc ædem Legibus Angliæ administrandis dicatam curâ Gulielimi Lewis, architecti, Strui Jussit Richardus Bourke, Eques, Legatus Coloniæ præfectus, 1836." Although this was designed so early as 1836, it has only lately been completed. The Quarter Sessions are held here, and the Supreme Court held its Criminal Sittings for the first time in January, 1844. It contains a gallery for the accommodation of visitors, but is deficient in the number and size of its subordinate offices, such as Judges' rooms, Jury-rooms, &c. The wall at the back is part of that which encloses the gaol. This is a strong and extensive building; and the arduous and fearfully responsible duties are faithfully performed by Mr. Keck, the present Governor.

Proceeding out of the town by the high-road to the interior of the country, we pass by the Debtors' Prison. A late Act of the Legislative Council has abolished imprisonment for debt, so

that we have to look upon this building as the remnant of a past age; standing, as it does, in its solitary and untenanted gloom, it appears now to frown on the barbarism which could perpetuate this custom so long, and extend it so far; while some beautiful roses and plants blooming in the front, speak eloquently of the blooming of brighter days. We will not stay to describe its internal accommodations, as they will be no longer required. It was originally intended and used, as a Penitentiary for juvenile convicts, where they were taught useful trades; it was then employed as a dwelling for government carters, at a time when government was more busily engaged, than at present, in public works. From this latter circumstance it even now goes by the name of "Carters' Barracks."

Adjoining this, is another building which has no very pleasant associations: viz: the "Treadmill," which is in pretty constant employment.

A few yards further on is the "Benevolent Asylum." Over the principal entrance is an inscription, stating the object and the date of the erection of this building: "This Asylum for the Poor, Blind, Aged, and Infirm, was erected in 1820, L. Macquarie, Esq. being Governor." At the present time (February, 1845) there are upwards of four hundred inmates, the greater part of whom are men. A great number of these are suffering from imperfect sight (rather a com-

mon disease among us, the only one which prevails to any extent); others are halt or maimed; some are aged and incapable of work, while some few are in a state of mental imbecility. For serious cases of the latter kind there is, however, an Asylum, situate about seven miles from Sydney, at Tarban Creek, and to which has naturally enough been given the name of "Bedlam." The Benevolent Asylum enjoys the support of all classes of the community. Annual collections in behalf of its funds are made in all the places of worship, and other extraordinary means are resorted to enlarge its efficiency, and yet its resources are barely sufficient to meet the pressing calls continually made upon it.

The building is admirably suited for the purpose: removed from the town, and pleasantly situate in an open and healthy neighbourhood. The internal arrangements are beautifully neat: it is divided into nine wards, and it will soon receive enlargement. We are accustomed to look upon this as one of the most noble institutions in our colony; its object being according to the terms of its constitution, "to relieve the poor, the distressed, and the aged, and thereby to discountenance, as much as possible, mendicity and vagrancy, and to encourage industrious habits among the indigent, as well as to afford them religious instruction and consolation in their distress." For this latter purpose, Clergymen of different denominations are in constant attend-

ance. We say, we regard this as one of our noblest institutions. Nothing is more noble than benevolence, no enjoyment is greater than the luxury of doing good, no elevation can a town, or a community receive greater than by the exercise of Christian charity upon Christian principles. Much as we have admired some of our public buildings, and the beauty of many of our landscapes, we would rather consent to see sterility taking the place of fertility, beauty exchanged for ruggedness, our edifices dismantled of their every grace, and reduced to a rude heap or a ruined mass, than we would have it said, that we were deficient in benevolence to the distressed, pity for the suffering, compassion for those who come to us, claiming no relationship, indeed, but a common Father, presenting no claim but a common humanity, having no recommendation but the cry of distress! Far, far distant be the day when these shall not be considered grounds enough to ensure all our sympathy, and to call for all means of relief at our command.

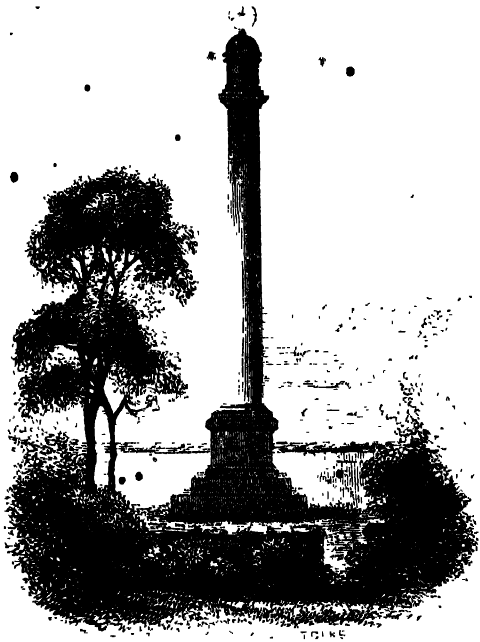
We can only just notice a large substantial building used by the Australasian Sugar Refining Company, a Company in extensive operation. Their works are situate at Canterbury, about six miles from Sydney, beyond the pleasant suburbs of New Town. Our Sydney citizens have of late years adopted, to a considerable extent, the plan so common of living out of the town, and have, therefore, in many parts, raised little villas of much beauty, where,

amid the retirement and domestic peace of their families, they may find a pleasing relief from the distracting turmoil of business. One of these is situate at Point Piper, the residence of Colonel Gibbes, Collector of Customs. This commands a fine view of the harbour, and with it the extremity of the land forms one of the numerous bays which are constantly to be seen as we sail over its glassy waters.

Such, then, are Sydney and its environs, a city of fifty-six years' growth, and which, in its infancy has taken the stride of a giant in the march of civilization. On the 26th of January, 1842, the fifty-third anniversary of the foundation of the colony, gas was introduced into Sydney, the first town in the Southern Hemisphere in which it has been employed. It is now used in the streets and most of the public buildings. Steam has long been in communication with the interior, and we are thus keeping pace with the age in all the improvements of modern times.

What would those say who first visited our shores, could they behold a flourishing town, the metropolis of a British colony, where they saw nothing but wild savages, and heard nothing but the howlings of the denizens of the wild forest! landing with dread, stealing a few hurried moments What would those who visited Botany Bay, to examine the few natural beauties which the beach presents, collecting the choice plants which

the coast supplies, (from the beauty and rare character of which the bay received its title of "Botany"), what would these say, could they now, standing on the same spot, look at the monument of poor La Perouse, and gazing on



Monument of La Perouse at Botany Bay

the waters before them, see the emblems of civilization scattered around them, and know too, that but a short distance would take them to the busy haunts of men, happy in all the arts

of civilization, and advancing in all that adorns humanity.

Yes, La Perouse has his monument here. "It is situate on a green plot, elevated above the adjoining land on its north. It is a plain circular column, about twenty feet in height, constructed on a square pedestal, and surmounted by a brazen sphere, emblematical of the vocation of the man it is intended to commemorate. On the side of the pedestal are inscriptions, recording the birth, principal known adventures, and supposed death of the French navigator. The whole is surrounded by a neat low quadrangular parapet, which considerably enhances the beauty of the monument." The place and circumstances of his death are unknown, but here stands a monument, sufficient to tell that he lived; that he lives no more, except, indeed, as all benefactors to their species live, in the enduring character of their works, and in the remembrance of the wise and good. Just by Botany Bay are formed two rivers: one, George's River, navigable about thirty miles, and another, Cook's River, which is navigable for but a short distance. The latter runs between two points of land seen on the right, the further of which goes by the appropriate name of Long Beach. Rest, La Perouse! we know not thy last slumbering place; but we raise thy tomb: thou wouldst desire that even thy monument should look out upon the

expanse of waters, there then we plant thy cenotaph; around it blooms many a rare exotic, upon it we drop a tear, and above it plays a halo of glory from the pure light of that sky, which traced all thy passage, and now guards (wheresoever it be) thy last sad resting place.

"What would those say, who, on the 26th of January, 1788, on a little stream, formed the first settlement in this colony under Captain Phillip, could they know, as has been well observed by a Colonial writer, that the course of the muddy streamlet may still be traced threading its way across the line of Hunter Street and Bridge Street, and mingling with the waters of the Cove, but the thick wood through which it silently stole in 1788 has disappeared before the advancing march of civilization, and the deserted haunts of the kangaroo and opossum, the rude hut of the Aboriginal savage, and the stillness of the forest solitude have been converted, not by magic, but by the more potent influence of European enterprise, into a large and populous commercial city, the Queen of the Southern Seas, the metropolis of a new world."

What would the enterprising Captain Cook say, could he visit this our Australian Capital? What! might he not say, standing on some eminence whence can be seen all our fair city stretched before the gaze, with almost a nobler pride than our great English architect says from his tomb, "Si

monumentum quæris, circumspice?" And how has all this been effected? By well directed British influence and energy. She has raised, almost at her antipodes, a town containing now nearly 50,000 inhabitants, and that but the capital of a colony with a population of more than three times that number; a city which vies with many older in the world's history in the beauty, order, and splendour of its buildings; the firmness and intrinsic prosperity of its institutions. Long may Australia flourish as a healthy off-shoot from the parent stem! Resplendently may she still glisten as a sparkling gem in the crown of Britain's Queen! Let Britain be true to herself, and her colonies; let her enlightened zeal,—enlightened by the soundest principles of national policy, of social prosperity, of divine religion, and unerring immortal truth,—let her zeal, thus enlightened, preserve as her own, intact and undefiled, that which her enterprise has called into existence, which her energy has created, and her fame shall be extensive as her dominion—enduring as her destiny.

We have desired in these pages to show that, apart from other attractions, our colony may possess, we boast a town of peculiar salubrity, and one too where through the live-long year, in every variety of season, Nature is clothed in her gayest attire, and where Art too has done her utmost to soften the roughness, or enhance the beauty, of Nature's fairest works.

CHAPTER VIII.

CONCLUSION.

BEFORE we entirely release our reader's attention, it will be necessary to introduce some general remarks, serving at once to supply deficiencies in previous statements, to introduce some few points of importance for which no more convenient place could be found, and to present in a condensed form a general view of our actual state. It will be our business, also, to correct some false impressions which have obtained respecting New South Wales; impressions which are equally false and equally dangerous, whether they be derived from the exaggerated praise of our over-zealous friends, or the indiscriminate censures of our prejudiced calumniators. New South Wales is neither Elysium nor Pandemonium, though really some would make us think it possessed the charms of the one, and others that it was rank with the horrors of the other. We shall strive to give an

impartial view of *New South Wales as it is*, being well convinced that this colony will permanently prosper in exact proportion to the extent to which her resources become developed, and her encouragements to patient industry are fairly presented. In order to make Australia what her best friends can wish her to be, all that is wanted is, "fair play and no favour."

Intending emigrants to our shores, or those interested in the welfare of such as may voyage hither, will be mainly anxious to understand the character of that society into which they will be thrown, what is in fact, the moral tone of our community, how we stand in regard to the main elements of domestic order and social virtues. They will be also desirous of knowing what reward may await their persevering endeavours after a competence or an abundance of this world's "good things,"—whether they may safely employ their already hard-earned store with any hope of its increase and enlargement. To questions such as these it is the object of this chapter to supply the answer.

With reference to the state of society among us, some allowance must, of course, be made for the elements out of which it has been formed, the materials which have entered into its composition. The convict origin of the colony has of necessity produced some influence, though that influence will, of course, be less felt in every successive year.

Making this allowance, we are surprised that the moral condition of New South Wales is so good as it is. It is not true (as our calumniators assert) that crime unblushingly walks our streets, pervades our halls of commerce, intrudes into our domestic circles, and confounds the principles of morality and virtue. Honour and moral rectitude are not unknown to our merchants, domestic peace and love are found around some of our hearths, the rights of man we do not rudely despoil, the laws of God we do not impiously affront.* One veracious chronicler has said of us—"Vice here usurps the place of virtue, and falsehood is universally practised; all morality is laid aside, the precepts of the wise are set at nought, and vice in its thousand forms reigns predominant." Now this is gross unwarranted calumny,—there is no ground for the accusation,—and one of two inferences must be made from this representation, either that its author has set himself intentionally to misrepresent us, or that having received his information from calumniators (such as are found in every community) he now chooses to

> "Condemn a people for one single fall,
> And casts the filthy garment on us all."

* The second Sydney Gaol delivery for the year 1844 numbers only twelve cases. This, in a population of between forty and fifty thousand souls, speaks strongly for our freedom at least from grosser vices.

No Upas tree grows on Australia's shore to poison the plants of moral excellence that bud forth in our midst; no blighting mildews destroy the lovely flowers of virtue whose fragrance perfumes our land. Here, as elsewhere, "honesty is the best policy," though, at Britain's antipodes, we are not removed from all that adorns and elevates that sea-girt isle; the British born have not forgotten the lessons instilled into them by early training, and now enforced by those ten thousand soul-subduing associations which melt into moral susceptibility, or rouse to high moral daring. "*Cœlum, non animum mutant, qui trans mare currunt.*"

Of the native-born population of Australia, we will not speak in disparaging terms. Descended, as many of them have been, from parents whose names were stained by crimes against their country and their God, brought up under a fearfully imperfect mental training, a neglected moral cultivation, and either an entire omission, or, at the best, but an imperfect performance of the duties and ordinances of religion, they have yet risen superior to these disadvantages, have earned for themselves a good name, have reared families in honour and respectability, and are now themselves in the enjoyment of general esteem and confidence, and their children, availing themselves of blessings placed within their reach, which their fathers knew not, are bearing upon them the buds of excellence.

Convicts, whose sentences have expired, or who have received pardons, and who are more generally called "emancipists," form no uninteresting part of our population. These, feeling that they had a bad character to lose, and a good one to gain, have, in many instances, so set themselves about the work of reformation, that now some are reckoned among our most honourable tradesmen and merchants, among the most liberal supporters too of the various benevolent institutions which adorn our land. Some of these institutions have been all but entirely founded, and are now mainly supported by their means. In many cases they have, by their industry and perseverance, acquired considerable wealth, and, in most instances, the wealth, thus obtained, has been generously and honourably devoted to the public benefit, the real substantial advancement of this land of their expatriation. Nor do we know a more pleasing trait in human character than that which is thus displayed. Once degraded, they have paid to a violated law the satisfaction it imperatively demanded; but when the debt was paid, another obligation was felt to remain behind. Society had lost that beneficial influence which each member is called upon to exercise, and to atone for this was now their honourable desire. In the fair and honest pursuit of commerce, by untiring industry, they acquired those means which enabled them to gratify their wish. A competence, more, a profusion, rewarded

their patient toil, and no sooner was this poured into their lap than they gave it back, spreading it through numerous channels, through each of which, as it flowed, it left blessings that even succeeding ages may enjoy. To say nothing of many public buildings which are the chief architectural embellishments of our city, and which have been the result of their enterprise and zeal, we turn to some of those institutions of charity and benevolence which own them as their earliest supporters. Thus much have we deemed it right to say of a class much maligned; of a class whose early character can never, indeed, be entirely forgotten, but whose present position and status in colonial society should shield them from the rude attacks of the censorious and severe, and, indeed, entitle them to the thanks and respect of every well-wisher to this colony.

We cannot, however, honestly blind our eyes to some evils which exist in our midst. One, perhaps, inseparable from a young commercial community must be mentioned and deplored. We are too much inclined to over-estimate wealth. The operation of this is found in the unblushing pursuit by some of questionable courses for its acquisition, in the license which is too often given to those who possess the *summum bonum*, to live as they list, and even to be guilty of acts, in which those less favoured could not with impunity engage. Instances have occurred in which wealth, or the

appearance of wealth has shielded from deserved punishment. We must rid ourselves of this false opinion. Money is not always the test of respectability; vice is vice, though its exterior be gilded; all disguises in which a dishonourable man may enwrap himself, must be torn off, and he must appear in all his native deformity before himself and others, if we would infuse a healthy moral tone into our community. Our recent pecuniary embarrassments have partially cured us of the evil, as they have taught us that "riches make to themselves wings and fly away," and that we must seek for a more enduring prosperity for the State, and a more solid character for the man than the mere possession of wealth can ensure. "The race is not always to the swift, nor the battle to the strong, neither riches to the man of understanding."

Intemperance, that insidious and destructive vice, does not prevail to the extent which might be expected. The natives of Australia are, as a class, a temperate race—it is, we regret to say it, the imported part of the population, free no less than bond—who mostly indulge in this degrading habit. It is of course, then, obviously unfair to class this among Australian vices.

One of the worst features of Colonial society is a propensity to gambling, which appears to affect almost all classes of the community. Billiard-tables are to be seen at almost every corner of our streets, and horse-racing with its attending evils is

the favourite sport. Even the youth are not free from this evil influence; their boyish sports are to them rendered more interesting (?) by staking upon their issue some small sum, paltry, perhaps, in itself, but more than sufficient to show the early tendency to so dangerous a habit. So strongly was this disposition rooted in the minds of many of our colonists, that our commercial transactions took much of the character of gambling on a large scale, and it has been the reaction, in all probability, from this state of things which has caused the late and present depression to succeed our past prosperity. This evil is now considerably mitigated in its character,—it presents none of its worst features as it formerly did, but still in a view impartial, as we pledged ourselves it should be, of our actual condition, we could not fail to mention this as one of our bad traits, and to deplore it as such.

Shall we advert to another evil?—We touch upon it with delicacy and reluctance, but the truth must be told, that illicit intercourse between the sexes has prevailed, and we fear to a great extent does prevail throughout the land. One subject for congratulation however exists, that the voice of public morality has been partially heard, and the crimes we reprobate are not now perpetrated, as once they were, with unblushing effrontery in the face of day. Still we would wish for a healthier tone of moral feeling in this matter,—it is still a plague-spot on our community, it rests as a stain

which many an ablution will not wash out. We may partially account for the existence of this evil by the disproportion of the sexes, which has elsewhere been spoken of, and other causes may be assigned by the political economist, but the Christian moralist while he sighs at the existence of so degrading a vice, and feels that "it is a shame even to speak of those things which are done of them in secret," will offer up his prayer to the God of purity that he would "turn a pure language to the people."

We have not blinked the evils which reign among us: we need the purifying influences of Religion to make us what, as a nation, we should be; but having honestly and fearlessly discharged our duty, we affirm, that when we consider from what we have sprung,—that we are subject to all the evils which are known to be incident to a seaport and a military depôt, that many in the interior of the country are completely shut out from all means of mental culture and religious instruction,—when we consider all these circumstances, the wonder is, not that vice exists, but that aught else has any place. It is well it is not rampant and victorious. And further we must state, *there is nothing in the character of Colonial society calculated to foster and encourage vice.* We know it has been said that it is a losing game for a man to be moral and honest in New South Wales,—that prosperity will attend him in exact

proportion to his playing the villain. All this is slander, which deserves to be retorted on its authors. We affirm it without fear of contradiction, that here the man of moral rectitude and conscientious integrity is sure to prosper, that in addition to the testimony of his own conscience, he will enjoy the approbation and respect of all, and prove beyond question the truth of the old proverb, "Virtue is its own reward." If an immoral or dishonourable man does by chance succeed, it is in spite of himself and public opinion;—when the contrary character prospers, it is the legitimate result (under God's blessing) of his own character and exertions, and the voice of society will be ready to acknowledge how deservedly the prize has been won. In fact, a fear of undue encouragement being given to the immoral or even doubtful character, has induced a spirit of exclusiveness among the higher classes, which still prevails, when the necessity for it has almost entirely disappeared.

Hence the society of the Colonial élite is limited, perhaps unduly so, but we are not quite sure whether there is not more friendship and social enjoyment among this than any other class. The middling classes have none of those delightful interchanges of sentiment and feeling which are so common in the mother country. We know nothing of those little réunions which tend to knit families to each other, and by bringing them into connection, make them better known and more

beloved. We here live too much at a distance from each other, we seldom meet except in the pursuit of business, we know nothing of each other except how much we are respectively "worth," we seem either to distrust all, or to feel ourselves to be by all distrusted. These social meetings, whose want, those of us accustomed to English society feel and sadly deplore, would do much to soften down the asperities induced by collision with the world, would draw forth the hidden excellencies of character, of which, all have their share, and which are now buried, because there is no scope for their full development.

We have lately observed with sorrow the prevalence of a disposition among the labouring classes to indulge in factious opposition to constituted authorities, and to become infected with all the evils flowing from radicalism and "mobocracy." Far be it from us to check free discussion. The right to engage in this is the glory of a free government, but liberty may become licentiousness; freedom must be itself restrained, or it becomes the most galling slavery. Unless skilfully conducted and wisely tempered, we confess we look with suspicion on "crowded meetings of the working classes;" and tremble when we hear of the "thundering applause" with which some over-zealous orator has been greeted. We fear that for many of the evils which we notice and condemn among the working classes, the blame is to be laid

at the door of those who either at home, or in the colony have given out false views of what we really are and actually require. Some time since New South Wales was represented as a spot teeming with wealth, where fortunes were to be accumulated in a very short time, and nothing was wanted but a brief residence and the most moderate exertions to ensure the speedy acquisition of wealth. These golden dreams have been dispelled, and no wonder that dissatisfaction has succeeded. The fact is, that here as elsewhere, a man must submit to years of patient, unwearied toil, united with strict economy and habits of temperance and order, before he can hope to realize an independence; while, on the other hand, if he pursue this course, the independence he seeks is almost certain ultimately to reward him. Emigrants have come out from the United Kingdom with most ridiculously extravagant notions; they have asked wages which masters could not honestly pay, and which, indeed, it would not be well for them to receive.

The rate of wages in Sydney, and the country is still too high, and we hesitate not to say that it would be ultimately better for master and servant if they were considerably reduced. A few days since, we heard a man who is engaged in the menial service of a house in the country complain most bitterly, that he did not receive more than 8*s*. a week! and we know that this same man lives on "the establishment" as well as any man could

require. Again, the working classes on their arrival in Sydney are too fond of remaining in the town. Our advice to all intending emigrants is—go at once into the country at any remuneration that may be offered you. The capital is overstocked with labour, by remaining there you will acquire expensive and lazy habits, you will be led into numerous temptations to extravagance, and you will know comparatively nothing of the country you have left your native land to visit. The suggestion has been made to open ports on the different parts of the coast, at which ships might disembark passengers, without coming to Sydney at all, and if practicable, the plan would, to immigrants at least, be attended with no slight advantages. Till this or some similar plan be adopted, again we say, get out of the town as soon as you can. Small wages, we had almost said no wages at all, in the country, are better than high wages in the town. Better, because in the former case there is no temptation to extravagance, such as the town presents, better, because by an acquaintance with the interior you acquire what is itself a fortune in New South Wales—colonial experience. The class of persons whom we most want, and whom for some years we shall want in very large numbers, are shepherds, farm-labourers and agriculturists. Of mechanics we have enough and to spare. We can offer no encouragement to clerks, or to any who expect to earn their living

by sitting at a desk; we have more than enough to satisfy all the demands that may be made for such persons for some time to come. It would be cruel to raise expectations which cannot be realized, therefore we have not hesitated to state what men we do and do not require.

We can confidently recommend (particularly at the present moment) New South Wales as a most desirable sphere for the capitalist and man of fortune. The most inveterate croakers amongst us, are now well convinced that our colony must very soon emerge from the difficulties which are now pressing upon us, and when that is the case, a healthier state of things in relation to our monetary interests will doubtless be induced. At this moment property of all kinds is sadly depreciated. Good cattle are to be had at from £2 to £2. 10*s.*; sheep at 5*s.* or 6*s.*, and land is sold for a mere trifle. To any person with a small capital to embark, possessed of ordinary prudence and business habits, we have no hesitation in stating that this colony presents attractions seldom to be found. We believe that such a person would now require but a comparatively short time to double his capital. The arrival of some few such persons, possessing not only the desire to enrich themselves, but to benefit the land, would be no small advantage to us at the present juncture. Their arrival among us, and their careful and well-directed employment of their resources, would tend mate-

rially to hasten the period we have anticipated. To one such individual we are already indebted for a seasonable employment of labour, and we trust we shall not have to wait long before others appear among us to do the State some service. We assure them they will receive a safe and abundant reward for such public spirited efforts.

We have stated our belief that this colony will recover from the depression which has of late weighed upon us, and we ground our belief on the fact, that the colonists are beginning to open their eyes to their real condition, to develop the resources of the land, and to recover from those evil habits into which they had sunk. 'Tis true; the storms of adversity are now howling around the land. Fear and trembling have seized upon her merchants and bankers, her tradesmen and mechanics, her agriculturists and graziers. Many are ready to give up all for lost. A panic has seized upon her people, and under its maddening influence, everybody is anxious to sell, and nobody willing to buy. The inevitable consequence is, that property of all kinds has become already depreciated. Three years ago, the colonists were drunk with exaggerated joy; they are now just as drunk with exaggerated despondency. And as the elation of their spirits then caused property to mount far, far beyond its intrinsic value, so their present dejection has caused it to fall as deeply below what it is fairly and honestly

worth. But meanwhile, the bones and sinews of colonial wealth remain precisely as they were. Our vast extent of territory has not been contracted; our soil has not been impoverished; our hills and dales are still clothed with living and spontaneous verdure; our skies are not less bright; our climate not less genial; our flocks and herds are still thriving and multiplying; our fleece still retains the peculiar virtues for which it has been so highly valued in Europe; the productions of our industry are still borne from our ports to distant regions of the earth; our population still comprises a hundred and fifty thousand free and enterprising Britons, whose increase from births alone, is centesimally equal to that of England, and our shores are still washed by an ocean, whose fisheries present inexhaustible mines of wealth. Besides all these grand features in our favour, we are recovering from the fearful extravagance which pervaded all classes of the community. We have heard of bullock-drivers in the "olden times" of the colony, ordering at an inn on the road side, a dozen of champagne at 8*s*. or 9*s*. a bottle, and then having poured the "sparkling" beverage into a bucket, have luxuriated in their dear bought enjoyment. This is of course an extreme case; but the disposition to spend money foolishly and extravagantly seems to have been almost a disease with which all classes were infected. There is still too much of this, as shown by a love of display in

the articles of equipages, dress, &c., as well as in the large number of our hotels, and places of public entertainment to be found in our streets. The multiplication of these is of course conducive to many bad ends, but we mention them now merely to condemn the extravagant and foolish waste of money of which they are the proofs, and to the further indulgence in which they present the temptation. We must learn habits of strict economy before we can hope to prosper, and it is because we are leaving our former habits, that we think we are beginning to prosper. In connection with these habits of frugality, we are also learning to elicit the teeming resources of our hitherto almost unknown land. It has been discovered at last that we can produce almost every thing we ourselves require, and that we can also increase our exports to an extent that we had never imagined. In fact, we are beginning to export more and import less, to consume less and produce more.

Our new export of tallow promises to be as profitable as that of our staple commodity, wool. Our shipments have already produced high prices, and as we improve in the preparation of the article, and the mode of packing, &c., for exportation, we shall doubtless find it not only continue, but increase in value. The benefit of this export is found in at once fixing a minimum price on the

stock of our settlers.* We shall no longer be obliged to trust to chance to decide the value of our flocks and herds; their least worth can now be computed, and hence the gambling, hap-hazard, system of dealing which has before prevailed and wrought such mischievous consequences, will make way for a sound and healthy straightforwardness in all our money transactions.

Attention has also been paid to the manufacture of gelatine, and to the export of salted provisions; the latter of which has not yet, however, succeeded. We have also discovered, that for luxuries we need not travel farther than our own land. From our own beautiful grapes, good wines are manufactured; from peaches (which are just now so abundant, that they are retailed at a farthing a dozen!), a good brandy has been procured; and the tobacco which is grown, and is coming into very general use, promises to be equal to the American negro-head. Our Colonial tweeds are extensively used; and a pottery has lately been established at the Hunter's River. The wines we can make have the strong recommendation of being just adapted

* Before the boiling-down system came into operation, we heard a rich man in Sydney state, in a most lugubrious tone, that he had been obliged to take in payment for a debt, ten thousand sheep, at Moreton Bay, at one shilling each. So little did he think of his bargain, that he put them in flocks of from ten to fifteen hundreds, and removed the ewes, to prevent the increase, and consequent addition to his expenses of management.

to our climate. The force of habit has contributed to vitiate our taste, and we are inclined to admire the alcoholic port and sherry brought to us from England, (and sad stuff is generally imported under these names), rather than the generous and harmless lighter wines which our own vineyards can produce.

We can produce samples bearing a strong resemblance to good Sauterne, Barsac, Hock, Claret, &c.; and it merely requires a little more practical acquaintance with the arts of vinous fermentation, and abundance of cheap labour, to enable us to produce all, at least, that we ourselves require. Tropical fruits can be grown at Moreton Bay. The olive is peculiarly fitted to our soil, and so also is the mulberry, which would enable us to manufacture silk even in large quantities. This has, we know, been tried on a small scale, and been attended with complete success. Tea, likewise, would grow well, we have been led to understand, to the northward.

The opinion has been entertained, that this is fitted to be a pastoral country alone, and that we cannot hope to gain much advantage from our agriculture. We are learning to ridicule this idea as altogether unfounded.

Those valuable institutions, "Agricultural Associations," for the purpose of receiving and communicating information on all matters connected with the cultivation of the soil, are begin-

ning to be formed among us. Such societies must be productive of good; they induce men to think on the matter who never troubled themselves to think before; they illustrate the principle that "union is strength," and by collating and condensing the information which each one possesses, render an essential service to the general prosperity.

They tend to give the practical man, be he even the commonest labourer, his proper standing; they teach him to regard himself, and others to regard him, as of some use, nay, of invaluable use, as only from the induction of facts such as these practical men can supply, we derive the important principles which are to guide us in all our movements. We see then, in the establishment of these associations a "token for good," as we are convinced nothing will tend more completely to lay open our country, than the means which will be hence adopted. Already has our Floral and Horticultural Society, by the stimulus of periodical exhibitions and prizes, disclosed what we had scarcely known to exist among us, and it needs only a simultaneous and systematic effort on the part of all interested; to raise us to our proper standing as an extensively agricultural as well as pastoral country. This, however, will never be the case, until the plan of small farms is more generally adopted.

We have no faith in the wisdom of that plan which apportions acres by tens of thousands to

some few aristocratic lordlings, and leaves those who could, and would cultivate a smaller plot, unprovided with any means of turning their powers to account, except in the employment of those who monopolize the whole to themselves. This looks too much like feudal times and habits; and till the time of granting or letting small farms is adopted, we despair of much more extensive cultivation of our soil. It is pitiable to see the miles of country which now lie uncultivated; the land may be part of some thousands of acres which are possessed by the Squire of the district, who acts as the dog in the manger—unable to use it himself, and keeping off all who would. We want to follow the advice of the careful Scot: "Be aye planting a tree, Jock, it will grow while you are sleeping."

The system we recommend would tend to introduce among us the smiling villages and happy hamlets of "Old England;" we should know something of the protection afforded by a stout yeomanry, and the blessings of a happy peasantry—a peasantry no longer degraded by habits which submission, when extended too far and continued too long, is almost certain to produce;—a peasantry thriving in all the acts of honest industry, raising their heads as independent lords each of his little farm;—a peasantry acting out the Divine injunction: "Be fruitful and multiply, and replenish the earth, and subdue it." The

granting of small allotments of Crown lands as part remission of the money expended by voluntary emigrants;—the permission to each emancipated convict of good conduct to select some spot of small extent for the purposes of cultivation, these and other plans have been suggested; but whatever system we adopt, at least, let us begin to rid ourselves as soon as possible of those "land sharks," who monopolize what should be more equally divided, and who therefore leave barren that which waits only for labour to "make it rejoice and blossom as the rose."

It is then no vain hope, no unreasonable expectation, to anticipate for Australia a long career of real, substantial prosperity. From the clouds which have obscured her, and which even now darken her fortunes, she shall yet emerge, and all the brighter too for the temporary eclipse. Experience will teach us many useful lessons, and we shall then learn how "Sweet are the uses of Adversity."

On every ground, then, we recommend New South Wales as a home to the intending emigrant. With a healthy climate, teeming resources developing themselves every day, encouragements on every hand to patient toil, and incentives to exertion elsewhere scarcely known, and here abounding, this colony presents inducements of no ordinary character to all, who, determined to leave their native land, are yet uncertain where to direct their steps. We would urge upon such the selection of

a *good* ship, with not too large a number of passengers. And here let us urge upon emigrants the importance of complying strictly with all rules laid down for the guidance of their conduct during the voyage. Especially let them be scrupulously clean. Cleanliness on board ship is indispensable, and no pains to maintain it are too great. Let emigrants be careful of their conduct during the outward voyage; it will *tell* materially upon their prospects in obtaining speedy and respectable employment. Many have learned on board ship to *drink*, who were temperate before, many *to swear*, who before feared an oath. Avoid these evils, and all others. You are going to a new country to form new connections; your fellow-passengers will judge of your general character by your present conduct; let them see nothing which, if repeated on shore, would cost you even a moment's blush. You will be wise to provide yourself with some little comforts in addition to those the ship may supply.

We give the present prices (February 1, 1845) of the principal necessaries and luxuries of life in Sydney. The extract is made from the "Sydney Morning Herald," and may be depended upon as correct:—

COMMERCIAL INTELLIGENCE.

There has been no improvement in demand in any of the markets throughout the week. Business

in almost every department has been remarkably flat; the transactions have been limited to very small parcels of goods that afford no scope for comment, but in prices there is not the least alteration.

JOHN JOHNSON, Broker.

Albion House, Miller's Point.

THE WOOL MARKET.

The prices at which good fleece wool have been sold during the week varied from 1*s.* 2*d.* to 1*s.* 3½*d.* per lb., but what reached the last figure was very superior. Some inferior and grassy parcels have been sold at from 1*s.* to 1*s.* 1½*d.*; and the market is very bare of hand-washed or skin. The exchanges are better than they were, but not sufficient to make an alteration in the price, the banks purchasing bills against produce readily at 6 per cent. discount.

Freights are at 1¼*d.* per pound to London, and 1⅜*d.* to Liverpool. Shipments to the former place have been made at ⅛*d.* per pound less, but are now firm again.

REFINED SUGAR. — Australasian Sugar Company's prices:—Fine loaves, on the spot, 4½*d.* per lb.; ditto, for exportation, 4¼*d.* per lb., free on board; crushed lump, 40*s.* per cwt.; fine pieces, 30*s.* to 36*s.* per cwt.; molasses, none.

E. KNOX, Manager.

January 31.

SYDNEY MARKETS—FRIDAY.

WHEAT.—The demand during the week has been brisk at the Mills, and for all that brought to the market as high as 3*s*. 6*d*., on an average has been paid. At Barker and Co's Mills, as much as 3*s*. 7*d*. has been given for some samples. Fifty-four loads paid dues at Campbell Street Market—the prices given ranged from 3*s*. 4*d*. to 3*s*. 7*d*.; the average price for the whole was 3*s*. 6*d*. per bushel.

FLOUR.—The usual demand continues at the Mills, and the price may be reported firm at £9 a ton for the best quality, cash.

BRAN.—The price of bran is 9*d*. to 10*d*. per bushel.

BREAD.—The two-pound loaf is 2½*d*.

MAIZE.—The wholesale price of this description of produce is from 2*s*. to 2*s*. 3*d*. per bushel; the retailers are charging from 2*s*. 6*d*. to 2*s*. 9*d*. per bushel.

BARLEY.—Most of the dealers have orders to buy, but in consequence of the low prices given, none has been offered for sale; the retail prices range from 2*s*. to 2*s*. 6*d*. per bushel.

OATS.—There is comparatively a very small supply on sale; the retail prices range from 2*s*. 9*d*. to 3*s*. 4*d*. per bushel.

GRASS.—Nine loads have paid dues: the prices per dozen per load have been from 7*d* to 9*d*; the average price is 8¼*d*.

GREEN BEDDING.—Two loads paid dues, one of which was sold for 2*s.* 9*d.* and the other for 3*s.*

HAY.—About sixty loads paid dues, a great portion of which was of very inferior quality. The lowest price given was 1*s.* 6*d.* per cwt.; the highest 3*s.* 2*d.*; the average price for good hay is about 2*s.* 9*d.* the cwt.

STRAW.—Sixteen loads were sold at the Campbell Street stand at from 1*s.* to 1*s.* 9*d.* per cwt. The average price is about 1*s.* 4*d.* per cwt.

BUTCHERS' MEAT of every kind is plentiful, and the quality of the very best description. The wholesale prices are as follow: Beef, ½*d.* to ¾*d.* per lb.; mutton, 1¼*d.* to 1½*d.*; pork, 2¾d. to 3*d.*; veal, 3*d.* to 3¼*d.* The retail prices are: Beef, 1½*d.* to 2*d.*; mutton, 2*d.* to 2¼*d.*; pork, 4*d.* to 5*d.*; veal, 4¼*d.* to 5½*d.* Salt beef, per tierce, is from 45*s.* to 55*s.*, and from 1½*d.* to 2*d.* per lb. retail; ox tongues, from 1*s.* 3*d.* to 1*s.* 4*d.*; sheep's tongues, 9*d.* per dozen; ox tails, 3*d.* to 4*d.* each; dressed roasting pigs, from 4*s.* to 4*s.* 6*d.* each; suet, 3*d.* per lb. wholesale, and 4*d.* per lb. retail.

WORKING BULLOCKS.—A team of eight bullocks, with harness and dray, were sold at the pound since last report, and realised £20, the buyer valuing the bullocks at £2 per head.

FAT CATTLE.—The carcase butchers are now giving from 35*s.* to 50*s.* per head for fat beasts; in one case 55*s.* were given on the road for a small herd. The average price is about 45*s.* for a good beast.

SHEEP.—The prices given for sheep for slaughter vary from 5*s.* to 8*s.* per head, the general price is 6*s.* 6*d.*

MILCH COWS.—Twenty-eight head have been sold at the pound since last report, the prices have ranged from 20*s.* to 70*s.* per head, the market price of a good cow and calf is about 56*s.*

CALVES.—Fifteen head have been disposed of at the pound for slaughter, the prices given ranged from 7*s.* 6*d.* to 18*s.* per head; a fed calf is worth 15*s.*

HORSES.—The mounted police are giving from £12 to £15 for cavalry horses. Ten stock horses were sold at the Cattle Market on Tuesday last, and realized from £6 to £10 each, the medium is about £7. 10*s.* Strong carriage horses are worth £10 each. Good mares for breeding fetch from £12 to £15.

PORKERS.—There is a large supply of these at present in the market; the carcase butchers are buying them up at from 2¼*d.* to 2½*d.* per lb. on the estimated weight of the quarters.

FRUIT.—During the week one hundred and seventy-seven loads have paid dues, mostly peaches, nectarines, pears, and apples. The peaches have been sold at from 4*d.* to 1*s.* per basket; the nectarines at from 1*s.* to 2*s.* per basket; pears, at from 2*d.* to 8*d.* per dozen; and apples, from 6*d.* to 10*d.* per dozen. The retailers are selling grapes at 3*d.* per pound, for which they are giving the settlers

from $1\frac{1}{2}d.$ to $2\frac{1}{2}d.$ per pound; bananas are very plentiful at 2*s.* per dozen; the best oranges are retailing at 1*s.* 3*d.* per dozen; lemons are from 8*d.* to 1*s.* per dozen.

POULTRY. — Although only three loads paid dues, there is a large supply in the market. The retail prices are:—Fowls, from 2*s.* to 2*s.* 6*d.* per pair; ducks, 3*s.* 3*d.* to 3*s.* 9*d.* per pair; geese, 6*s.* 6*d.* to 7*s.* 6*d.*; turkeys, from 7*s.* to 10*s.* each; guinea-fowls, 4*s.* to 4*s.* 3*d.* per pair; wild-ducks, 3*s* to 3*s.* 3*d.* per pair; pigeons, 1*s.* 6*d.* to 1*s.* 9*d.* per pair. Eggs from 7*d.* to 9*d.* per dozen.

VEGETABLES.—Seven loads paid the market dues. The prices are—cabbages and savoys, from 1*s.* to 3*s.* per dozen; lettuces, from 1*s.* 3*d.* to 3*s.* 3*d.* per dozen; French beans, from 1*s.* to 1*s.* 6*d.* per peck; cucumbers, from 9*d.* to 1*s.* 6*d.* per dozen; melons, from 8*d.* to 1*s.* 9*d.* per dozen; vegetable marrow, from 10*d.* to 2*s.* per dozen; rhubarb, 3*d.* to 4*d.* per bundle; dried and green herbs, at 1*d.* per bundle.

DAIRY PRODUCE.—The retail prices of butter, cheese, and bacon, remain as last reported; 18 cwt. of good butter from the interior was sold with difficulty in small lots, at from $4\frac{1}{2}d.$ to $6\frac{1}{2}d.$ per lb. Several smalls lots of bacon have also been sold at from $3\frac{3}{4}d.$ to $4\frac{1}{4}d.$ per lb. Good cheese is selling at $5\frac{1}{2}d.$ per lb.

POTATOES.—There is a large supply at present in the hands of the dealers, which makes it difficult

for the settlers to effect cash sales; the prices given range from 35*s*. to 42*s*. per ton.

Colonial Tobacco.—Walthall's best tobacco is 1*s*. 6*d*. per lb.; other sorts downwards to 8*d*.

Timber.—This market is still very dull, the prices given by the dealers are from 4*s*. 6*d*. to 5*s*. per 100 feet; shingles, from 5*s*. 6*d*. to 7*s*. per 1000; treenails, 27*s*. 6*d*. to 32*s*. per 1000; pailings, from 3*s*. 3*d*. to 3*s*. 9*d*. per 100; posts and rails, 15*s*. per 100; laths, 3*s*. 6*d*. per 100; bark, 4*s*. per dozen; wheel spokes, 4*s*. per 100; wheel felloes, 20*s*. per 100; firewood, 3*s*. per ton. There is but little cedar in the market, the price in log is from 9*s*. to 9*s*. 6*d*. per 100 feet.

Sundries.—Lime, 4*d*. per bushel; bricks, from 18*s*. to 20*s*. per 1000; colonial salt, £5. per ton; colonial honey, from 3*d*. to 7*d*. per lb.; green hides, 7*s*. each; hides in salt, 1½*d*. per lb.; colonial pipes, 3*s*. per gross; coals, from 16*s*. to 20*s*. per ton, delivered in the city.

House rent is still high, £30 being paid for a very small cottage, and even this will not command a good situation. Time will, however, eventually remedy this evil. Shepherds are now getting from £15 to £18 and often more, with liberal rations; house servants from £16 to £18 and frequently £20, and day labourers £1 a week; we think, therefore, that we have made out a fair case in recommending this land to the starving surplus population of England.

And have we not said enough to make every Briton proud of his country, which has spread her influence over the habitable globe, on whose extensive empire the sun never sets, which has reared even at her Antipodes a fair model, a bright representation of herself. Britain has looked abroad on the vast abyss of waters, and now does she here behold her image reflected in every form of varying loveliness:—

> 'England! with all thy faults, I love thee still,
> My country! and, while yet a nook is left
> Where English minds and manners may be found,
> Shall be constrained to love thee."

The origin and rise of this colony is peculiarly interesting. Other lands have been added to Britain's vast dominions by war; the new country has risen on the ashes of those brave men who have fallen on the battle-field, the shouts of joy on the acquiring fresh possessions have strangely mingled with the confused noise of the warrior, "the palms of victory waved by the first dwellers in the land have been stained with the drippings of garments drenched in blood." England, however, need not blush when she looks at this her second self. The violated majesty of British law demanded that rebels against her authority should be, at least for a season, outcast from the land which had been the theatre of their crimes, but which she forbade to be the asylum for their guilt. Hither she directed their course, and sought to

reform, while she was compelled to punish. British enterprise seemed to regard this land with favour when the first Briton set foot upon the shore. She appeared to revel in the natural beauties spread before her gaze, and beckoned hither many of her devoted sons. They obeyed the call, more followed, they crowd by the hundred, the thousand; as by the magic touch of the enchanter's wand, she bids to spring up from the desert the abodes of peace and plenty, the halls of commerce, the seats of learning, the temples of God. And now as her spirit glides over the earth, and broods over the waters, to cover the waste plains, or raise up from the buried solitude of ocean undiscovered regions, ever and anon, hither she turns her eyes as though it were her chief pride, and with the stimulus she alone can supply, calls others to our aid, and excites us to place fresh trophies on her hallowed shrine. Yes, hallowed may it ever be! May enterprizé as she spreads her wings over the earth never fail to lave those wings in the blood of Calvary's Mount!

APPENDIX.

Return of the Increase and Decrease of the Population of New South Wales, (including the District of Port Phillip, from the 1st of January to the 31st of December, 1844; and of the total number on the latter date.

The total population of the colony was:

In 1843	165,541
1844	173,377
Increase, being 4·73 per cent.	7,836

According to our practice in examining the tables of former years, the next subject we should now consider, would be the progress made in the numbers of the adult population. But here we are stopped by an alteration in the Return itself. Hitherto it has distinguished between adults and children; but in the present instance, the distinction is wholly omitted.

The net increase by immigration, as set off against departures, was as follows:

Immigration	8,809
Departures	5,052
Increase, being 42.65 per cent.	3,757

The net increase by births was:

Births	7,956
Deaths	2,141
Increase, the births exceeding the deaths by 271.6 per cent. .	5,815

The mortality was less last year than in the year preceding. In 1843, the deaths were in the ratio of 32 to each 100 births; in 1844, they were scarcely 27 to each 100. In England they are upwards of 70 to 100.

The net increase of Males was:

Males in 1843	103,329
1844	106,309
Increase, being 2.88 per cent.	2,980

The net increase of Females was:

Females in 1843	62,212
1844	67,068
Increase, being 7.81 per cent. .	4,856

This preponderance in the net increase of females is remarkable, being in the proportion of 163 females to 100 males. And yet the number of females born was less than that of males by 52; but then the number of deaths was greater amongst the males than amongst the females by 621, and of departures by 2820.

The comparative mortality of the sexes may be viewed in two forms—in relation to the whole population, and in relation to the births. In the first point of view, the deaths of males, in proportion to the whole male population, were 1 in 78; whilst those of females were only 1 in 89.24. In proportion to the births of males, the deaths of males were 1 in 3.62; whilst those of females, in proportion to the births of females, were only 1 in 5.2.

It is a singular fact that, according to the official returns, the mortality of the colony, both actual and relative, has been regularly decreasing since the year 1842. Thus:

Deaths in	1842	2,717
	1843	2,293
	1844	2,1[illegible]1

The deaths in 1844 were less than even those in 1841, by 359.

The relative mortality of the colony—that is, the proportion of deaths to population—during the last seventeen years, was as follows:

1828 to 1840 (annual average)	1 in 53.15
1841	1 in [illegible].36
1842	1 in 58.85
1843	1 in 73.19
1844	1 in [illegible]1.98

The average mortality in England is about 1 in 53.

The inequality of the sexes is still undergoing a very gradual correction. The proportions were:

In 1836—39 females to 100 males.
1841—50 ditto to 100 ditto.
1842—5[illegible] ditto to 100 ditto.
1843—60 ditto to 100 ditto.
1844—63 ditto to 100 ditto.

Extract from Sydney Herald.

THE END.

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